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Meat Left Unattended – 2

Parshas Va'eira 5785

348

Halachos of Meat Left Unattended

Some Rules

1. In the previous issue (347) we mentioned some rules about the issur of meat left unattended [בשר שנתעלם מן העין], as well as some potential heterim in various circumstances. We will review some principles as an introduction to common shailos today, the topic of the current issue.
2. **Rav, Levi.** The Mechaber paskens like Rav, who is concerned for the issur of meat left unattended (ibid., par. 6), but many poskim pasken like Levi, who is not concerned for this issur. The Rama is meikel if the meat was found where it was left (par. 8).
3. **חמפ"ג.** We mentioned that "חב"ית" i.e., a piece of fish [תתינת דג], meat [בשר], wine [יין], or techeiles [תכלת], sent via a non-Jew requires two seals to ensure it is the same item that was sent and to remove the concern the non-Jew will swap a nonkosher item for the kosher item. "חמפ"ג," i.e., milk [חלב], fish brine [מוריס], bread [פת], or cheese [גבינה], on the other hand, only requires a single seal when sent via a non-Jew (10-11).

Cases of Heter

4. **Non-Jew.** We cited (17) some who hold that חב"ית only requires a double seal when sent with a suspected Jew, but a single seal suffices when sent with a non-Jew (רמ"א).
5. **Will see the seal again.** We mentioned that if the sender will see the seal again or describes to the recipient what the seal looks like, one seal is enough (18-19).
6. **Doesn't benefit from the swap.** We also mentioned (20) that if the non-Jew will not benefit or profit from the swap, we are not concerned he swapped it, and the meat is mutar even without a seal. Some only rely on this b'dieved, while some allow it even l'chatchila (23).
7. **Public area.** If the non-Jew can only travel through an area with lots of people, e.g., the neighborhood streets, b'dieved one can rely on the fact that he is afraid someone will see him making a swap (24). If there is a single seal, it is mutar l'chatchila (26).
8. **Comes and goes.** We cited an additional heter (27) for meat put in a non-Jew's house or for when a non-Jew is in a Jew's house, namely that if a Jew is coming and going and the non-Jew does not know when exactly someone will enter and see him, the meat is mutar because he is afraid to swap it.
9. **Professional worker.** We also cited (28-29) a machlokes among the poskim whether one may rely on a non-Jewish professional worker or one doing professional work, as he will not undermine himself professionally.

Some Rules About the Halachos of Seals

Double Seal

10. For these halachos, when we mention the concept of a "seal within a seal," it does not actually require the form of one seal inside another. It just means there must be two signs nonkosher meat wasn't swapped with kosher meat. There is a machlokes haposkim about the nature and purpose of the seal, with multiple practical ramifications, as will be explained (עמק התשובה). ח"ב סי' ע', גם מתוך קו' 'חתימה טובה' שטרם בא לדפוס ע"י ש"ב הג"ר חנוך בלייער בעמ"ס חלב כהלכתה).
11. **Sign.** Some hold a seal is essentially a unique indication as a sign – a double seal is two signs – that this is indeed the item that was sent and it was not swapped (רמב"ם פ"יג מאכ"א ה"ח).
12. **Effort.** Others hold the value of a double sign is in the effort it entails: while it is not impossible, one will not go to the great effort of forging two seals (דף ל"ט ע"ב). רש"י ע"ז דף ל"א ע"א ד"ה ומיהדק, דף ל"ט ע"ב). מהר"ל סי' ל"ח (ד"ה חילחית, שו"ת עבודת הגרשוני סי' צ"ח, מהר"ל סי' ל"ח).

13. The Shulchan Aruch's wording includes both options. In one place, he uses the Rambam's wording, that a seal is a sign (סי' ק"ה סי"ד). Regarding a knot, he writes that it must be an unusual knot, and it is problematic for there to be no sign. His words imply that one seal can serve as a sign and one seal can serve to increase the effort necessary to forge it.

Types of Seals

14. **Two letters.** Back when not everyone recognized the shape of Jewish letters, it was enough to write two Jewish letters, e.g., א and ב, where the item's package closed in such a way that it would be clear if the package was opened (רמ"א יו"ד סי' ק"ל ס"א). We are not concerned the non-Jew would forge new letters, as it would be difficult for him to forge two letters, and he would not go to such lengths. Two letters were considered two seals, and one letter was considered one seal, which helped in cases where one seal is enough (שו"ע יו"ד סי' ק"יח ס"ג).
15. Nowadays, everyone knows the Jewish script and it is easy to find the shape of Jewish letters on a computer or the like, so it is easy to duplicate them. Thus, some say letters alone are not considered seals (י"א בשו"ע שם). Especially today, in the age of printing, printed Jewish letters alone are not a proper seal. One may certainly not rely on this in Eretz Yisroel, where even non-Jews and irreligious Jews recognize the letters of Lashon HaKodesh (ארחות חיים יין נסך סי' כ"ג אות כ"ט, פרי תואר סק"י).
16. **Stamp.** A stamp, e.g., of a kashrus body, is only considered one seal even though it has multiple letters since the seal is created in a single action of pressing down the form of the stamp.
17. **Box nailed shut.** Earlier poskim discussed whether a cover nailed on top of a box containing meat or wine is considered a seal. Some consider it a single seal even though there is nothing unique about it since it takes effort to open and close it again afterward (ערה"ש (סי' ק"ח, שו"ת אבני צדק יו"ד סי' נ', שו"ת שמש צדקה יו"ד סי' ט"ו). This fits with the opinion that a seal causes more effort (12).
18. **Corked wine bottle.** The poskim also discuss whether a cork is considered a seal when sending wine in a bottle. On the one hand it takes effort to remove the cork with a corkscrew, but on the other hand, a cork is something normally in a bottle, so perhaps it is not considered a seal. In practice, the poskim hold it is considered a single seal.
19. **Single forgery-proof seal.** The poskim also discuss the status of a forgery-proof seal. Do we say two seals are necessary for two signs and this is only one (כדעת הרמב"ם), or perhaps the whole point of two signs is to ensure no swap happened, so if a single seal makes it impossible to swap (as will be explained below), it has the benefit of not being forgeable (שו"ת אג"מ יו"ד סי' נ"ו). In practice, many poskim follow this second approach.
20. **Key.** There is a machlokes haposkim whether kosher food in a non-Jew's hands that was closed up with a key held by a Jew has the status of a seal. Some say where two seals are required, a key plus a seal is considered two seals, but where one seal is enough, a key alone is not considered a seal (שו"ע סי' ק"יח ס"ד).
21. Some hold the Rama's opinion is that for something in the hands of a non-Jew that suffices with one seal, a key alone does not help even b'dieved, as it can easily be opened with something else, and the non-Jew will go to the effort to fake it (ש"ך סק"ב, לבוש, מנחת יעקב כלל ל"ב סל"ז).

22. However, others hold the Rama's opinion is that just as one can rely on a single seal b'dieved (above, 4), one may similarly be meikel b'dieved with a key alone (פרי חדש, ב"ח, סק"ו, סק"ג, סק"ז). This is the consensus of most Acharonim (שו"ת חת"ס יו"ד (סיק קכ"ו); one can certainly rely on the meikel opinion in a pressing situation or a case of potential substantial monetary loss (ערוה"ש סק"ז, חכ"א כלל ע"י ס"ד).

23. **Keys today.** This entire discussion is about olden-day keys. Back then, one could find a different key that would work without much effort, and it was also easy to copy a key. Today, though, we use good locks and it is almost impossible to find an identical key to open them, and it is impossible to copy a key without going to some lengths. Thus, the poskim agree one can l'chatchila rely on something closed with a key even according to the Mechaber. One can certainly rely l'chatchila on a high-quality lock even in a situation requiring a double seal (ק"י חס"ד, מזור, מזור). (לתודה, ספר יין מלכות פ"ב סק"ב אות א')

Seals Used Today

24. We no longer use Lashon HaKodesh script as a seal, nor do we use plaster or nails as a seal, as was once customary. Kashrus organizations today primarily use other methods to ensure items are not swapped. Meat products are packaged with plastic or the like and also bear a kashrus symbol, in accordance with the requirement of two seals. We will go through some examples.

25. **"Plomba."** Today, a seal referred to as a "plomba" is generally used. It is a piece of plastic or metal with the hechsher's symbol stamped on it attached to a piece of meat attesting to its kashrus. It is not possible to take off and reused. [In Eretz Yisroel, it is not attached to the meat itself anymore due to a choking incident, ל"ע.]

26. **Metal or plastic closure.** A closure made up of a cord inserted into another piece with lettering on it is commonly used. It cannot be removed without tearing the cord.

27. **Long sticker.** Some use a long sticker wrapped around a chicken's leg with the two ends stuck together, such that it is difficult to remove without tearing. [However, if it is not stuck together well the first time, it can sometimes be removed without tearing, so practically it is not such a good seal.]

28. **Hologram.** A hologram is a 3D sticker. It is unique in that it cannot be completely removed without ruining the stamp's image. Sometimes product details are also hidden on it, like an ID card. This is the method used by most high-level kashrus organizations today.

29. **"Kashrus passport."** Some kashrus organizations [e.g., the London Kedassia and the Eidah Chareidis] have begun using a system in which one can scan a sticker on a meat product to identify it and track all the information about it, its source, when it was shechted, the route it was transported, etc. This creates a sort of personal passport for every piece of meat, completely removing the possibility of forging a product's kashrus symbol.

Food Delivered by a Non-Jew: Common Shailos

Non-Jewish Deliveryman

30. It is very common today for stores to deliver all sorts of food products, e.g., fresh, ready-to-eat meat or fish, as well as fruits, vegetables, and baked goods, with a deliveryman who is not Jewish or Jewish but not reliable on kashrus. Both stores and customers must be aware of these halachos to ensure the products are delivered in the best possible way according to halacha and to avoid pitfalls or relying on kulos or b'dieved heterim.

31. **Responsibility of the hashgacha.** It should be noted that kashrus organizations granting hashgacha to stores that do deliveries are responsible to ensure the deliveries are also done according to halacha. There are good hashgachos that state they bear no responsibility after a product leaves the store's premises. However, since they know the stores offer delivery and they know customers rely on the fact that they are getting items with a high-level hashgacha [otherwise they would not spend so much money], they should require and direct the stores to deliver food products according to halacha, with proper seals. They should take responsibility instead of avoiding responsibility. Why are the halachos of meat that was "hidden from the eye" hidden from their eyes? These are important halachos in Shulchan Aruch, just like shechita, treifos, and melicha.

Meat, Fish

32. **L'chatchila.** Meat or fish, which requires two seals (above, 3), sent unpackaged and without kashrus symbols via a non-Jewish or suspected driver should be packed in a bag tied with an unusual knot along with a plomba seal or other closure – as per the halacha of a double seal – in such a way that the bag cannot be opened undetected. Hashgachos should insist on this protocol fitting for G-d-fearing individuals who want to eat only the best in a l'chatchila and glatt manner without anything questionable.

33. **B'dieved.** However, if meat or fish was sent without seals, b'dieved there are reasons to be meikel, as we will explain, e.g., it was sent through a public area (above, 7). However, when the non-Jew enters a car or truck, it is like entering a private area, as he is no longer afraid of being caught swapping food. We also mentioned an angle of heter that can be relied on b'dieved, namely when the non-Jew does not benefit from the swap (6).

34. **Left by the door.** If one receives a meat or fish delivery from a kosher store and a Jew leaves it unattended next to the door, it may be eaten if it looks the same to the customer as it does every other time he gets it. This is considered as though one found it where he left it, where we are not concerned a non-Jew might have swapped it (Issue 347, par. 33).

35. **Open package.** Sometimes one finds in a store a tray of packaged meat with a kashrus stamp on it that has a hole in the packaging. If a piece of meat can be taken out and replaced with another one through the hole, one should refrain from taking that package of meat. If it is impossible to remove or insert meat through the hole, the meat is mutar l'chatchila.

Baked, Milk, or Cheese Products

36. We mentioned (3) that things whose issur is only d'rabanan only require one seal. L'chatchila, these too must be delivered in a halachically valid way without any possible concerns of swapping, e.g., in a package closed with a sticker that cannot be opened without tearing the sticker, or tape, or the like.

Food Delivery Companies

37. Today there are many companies involved in online food delivery, e.g., Wolt, Uber Eats, bis, Deliveroo, and others. One can order ready-made food through these companies from a range of restaurants; they send the order to the selected restaurant; and they promise to deliver the goods within a certain amount of time. The customer pays the delivery company when he orders the food, and the company transfers payment to the restaurants. Many of these companies take orders for kosher restaurants with high-level hashgachos.

38. Some hechsherim in the USA require all food deliveries to be sealed with tape that has the hashgacha's symbol on it; that is a wonderful policy. [Although sometimes it is a non-Jewish worker who seals the package in the store, for these purposes we rely on the owner or mashgiach coming in and out [יוצא ונכנס] to ensure he is doing things properly.]

39. Unfortunately, though, not all hashgachos ensure food is sent properly. They should l'chatchila be careful about this, as mentioned – meat products with two seals, dairy products with one. Although there are potential heterim to permit the food b'dieved, as mentioned, a G-d-fearing person is careful to live his life in a l'chatchila way.

40. **Ready-made food.** If fleishige, ready-made food was sent without a seal, some allow it to be eaten b'dieved if the customer is familiar from past orders with how that food from that restaurant looks, based on the halacha of טביעת עין [recognizing something without specific identifying signs] (מור"ד בעל שבט הקהתי).

41. **Pizza.** When ordering pizza through such a company, l'chatchila the box should be closed with a sticker that is torn when opened, as per the halacha of a single seal.

42. Similarly, when sending baked goods, baguettes, toast, sandwiches, etc., the food can be placed in a paper bag stapled shut in such a way that one can tell if the staples were opened.

43. **B'dieved.** However, if it was not sent in the proper l'chatchila way, one can b'dieved rely on heterim, e.g., if it was sent through a public area (7) on a motorbike with no way to secretly swap the food. One can also track the precise location in real time to make sure the driver does not stray from the quickest route.

44. Similarly, one can b'dieved factor in the machlokes haposkim whether we say a professional wouldn't undermine himself (9), since the deliveryman works for a company which holds him accountable for his various activities.

45. Also, most of the time the deliveryman does not benefit from swapping, so according to some it is mutar b'dieved (6). However, there was an instance where a pizza fell on the floor, so the driver went and bought cheaper pizza from a random store to avoid having to pay for expensive, kosher pizza.