

THE BAIS HAVAAD HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha

VOLUME 5785 • ISSUE XXXIV • PARSHAS CHUKAS



COLOR SCHEME: MAY A MERCHANT MAKE HIS WARES LOOK BETTER THAN THEY ARE?

Adapted from the writings of Dayan Yitzhak Grossman

The Associated Press reports:

Nestle said Wednesday it will eliminate artificial colors from its U.S. food and beverages by the middle of 2026.

It's the latest big food company making that pledge. Last week, Kraft Heinz and General Mills said they would remove artificial dyes from their U.S. products by 2027. General Mills also said it plans to remove artificial dyes from its U.S. cereals and from all foods served in K-12 schools by the middle of 2026.

The move has broad support. About two-thirds of Americans favor restricting or reformulating processed foods to remove ingredients like added sugar or dyes, according to an AP-NORC poll. Both California and West Virginia have recently banned artificial dyes in foods served in schools.

On Sunday, Republican Gov. Greg Abbott of Texas signed a bill requiring foods made with artificial dyes or additives to contain (sic) a new safety label starting in 2027. The label would say they contain ingredients "not recommended for human consumption" in Australia, Canada, the European Union, or the U.K.

The federal government is also stepping up its scrutiny of artificial colors. In January, days before President Donald Trump took office, the U.S. regulators banned the dye called Red 3 from the nation's food supply, nearly 35 years after it was barred from cosmetics because of potential cancer risk.

In April, Trump's Health Secretary Robert F. Kennedy, Jr. and FDA Commissioner Marty Makary said the agency would take steps to eliminate synthetic dyes by the

(continued on page 2)

A PUBLICATION OF THE
BAIS HAVAAD HALACHA CENTER

290 River Avenue, Lakewood NJ 08701

1.888.485.VAAD (8223)

www.baishavaad.org

info@baishavaad.org

Lakewood • Midwest • Brooklyn • South Florida

לע"נ הרב יוסף ישראל
ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l



PARSHAS CHUKAS

GENERATION GAP

Excerpted and adapted from a shiur
by Dayan Yitzhak Grossman

And Moshe made a snake of copper and placed it
on the pole; so it was that if the snake bit a man,
he would stare at the copper snake and live.

Bemidbar 21:9

The navi (Melachim II 18:4) relates that Chizkiyahu Hamelech, who destroyed the *avodah zarah* in his time, demolished the copper snake fashioned by Moshe, because the people were using it for idol worship. The Gemara (Chulin 6b) says that R' Yehuda Hanasi used Chizkiyahu's example to permit vegetables grown in Bais She'an to be eaten without separating *ma'aser*, even though in earlier generations, *ma'aser* was taken from such produce.¹ He explained that although Kings Asa and Yehoshafat (Chizkiyahu's ancestors) had already destroyed the *avodah zarah* in their time, they left the copper snake intact so that Chizkiyahu could add his own contribution to the struggle against idols (*makom hinichu lo avosav kedei lehigader bo*). Likewise, Rebbe argued that his predecessors left it to him to propose the halachic novelty that vegetables grown in Bais She'an were actually not subject to *ma'aser*.

The notion of *makom hinichu lo avosav* was used in various contexts by later Acharonim. For example, the Tshuras Shai argued that one must construct a shul's *ezras nashim* in such a manner that the women cannot see the men. He acknowledged

(continued on page 2)

¹ See the Gemara and meforshim there for more detail about the halachic issues involved.

Q&A from the
BAIS HAVAAD
HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

Crude Ohel

Q May I spread a towel to block the hot sun on Shabbos afternoon?

A One may set up a temporary barrier on Shabbos, except if the barrier is intended to form a halachic mechitzah, e.g., to enclose an area so as to permit carrying (O.C. 315:1). You may therefore hang a towel or sheet to block the sun (but not on a tree; see O.C. 336:1).

If you want to spread the towel horizontally and sit underneath it, it is subject to the prohibition of *asiyas ohel* (making a roof-like covering), which is a *toldah* (derivative) of *boneh*

(continued on page 2)

(continued from page 1)

end of 2026, largely by relying on voluntary efforts from the food industry...¹

If synthetic dyes are unsafe to eat, the Torah would clearly forbid putting them in food. In this article, we examine the halachic literature on a different potential problem with food dyes: deceiving the consumer.

The Gemara says:

The *Rabanan* taught in a *breisa*: One may not make the animal's hair stand like a stick (to make it appear fatter), and one may not inflate the intestines (to make them appear larger), and one may not soak meat in water (to make it appear whiter and thus fattier and tastier).²

The Sma qualifies that the prohibition against soaking meat in order to change its color applies only

in a place where it is not customary to do so. But if the custom of the butchers is to soak it so it appears white, it is permitted. This is not fraud, because everyone knows that the way of the butchers is to soak.³

The Shulchan Aruch HaRav recommends against following this leniency of the Sma:

But one who is concerned for his soul (*shomer nafscho*) will distance himself from this, because there is nevertheless a concern that the buyer will think that the meat is truly fatty, because there is much fatty meat in the world, and it is for that reason that all the butchers do this.⁴

The Divrei Malkiel also disagrees with the Sma:

In my humble opinion, it seems logical that it is prohibited to do this, because the essence of the prohibition of soaking meat is that it entails *geneivas da'as* (deception for personal benefit), for it causes the leanness of the meat and its low value to be indiscernible, so why does it matter that it is known that they do that?...Although the buyer knows the seller soaked the meat, it is not known whether it was naturally white and fatty or it was whitened by the soaking...⁵

There is a related dispute between the Minchas Yaakov and the Nachalas Tzvi in a case involving wine made from diseased grapes.

The wine lacked clarity, which would have made it unappealing to buyers, though the quality and taste were apparently unaffected. Could the winemaker add ingredients that make the wine clear?⁶ The Minchas Yaakov prohibits this as fraud, by analogy to the prohibition against soaking meat to make it look fattier.⁷ But the Nachalas Tzvi argues that it should be permitted, on two grounds:

- All of that year's grape crop suffered from the same problem, so if the procedure in question will be permitted, all the wine sellers would implement it—which should make it permitted according to the Sma.
- In the case of the meat, customers would either not buy the inferior meat at all or not pay as much for it. But in the case of the wine, even if customers knew its appealing look was produced artificially, perhaps they wouldn't care and would buy it for the same price.⁸

It is unclear how the Minchas Yaakov would respond to the argument from the Sma. Perhaps, like the Shulchan Aruch HaRav and the Divrei Malkiel, he does not accept the Sma's leniency. Or perhaps he simply does not believe that the clarification procedure falls under the dispensation of the Sma, particularly since it was novel and not customary, and maybe the wine-buying public was unaware of it.

There is a related dispute between R' Yehoshua Baumol and R' Moshe Feinstein about a practice of butchers to soak livers in blood for several hours to make them red and fresh-looking.⁹ Rav Baumol argued that this should be prohibited just as the Gemara prohibits soaking meat to make it look better, but R' Moshe disagreed. He explains that altering the color of meat is only fraud if *no* inferior meat has the new color, so the buyer would have no reason to question its quality. But some non-fresh livers *are* red. If *some* inferior meat naturally has the same color as the superior meat, then a buyer seeking quality would be expected not to rely on the color, but to ask questions. If he doesn't ask, he is presumably not particular about quality, so the alteration doesn't constitute fraud.¹⁰

¹Dee-Ann Durbin. Nestle says it will remove artificial dyes from US foods by 2026. <https://apnews.com/article/nestle-artificial-colors-dyes-534843becc89b62d8ac548f81338ec1b>. Regarding the safety of synthetic dyes, see here.

²Bava Metzia 60b.

³Sma C.M. siman 228 s.k. 16.

⁴Shulchan Aruch HaRav C.M. Hilchos Ona'ah se'if 19.

⁵Shu"t Divrei Malkiel cheilek 3 siman 54.

⁶This case was first discussed in a famous teshuvah of the Tzemaich Tzedek (Rav Krochmal) siman 80, though that teshuvah discusses only kashrus questions and does not raise the issue of fraud.

⁷Minchas Yaakov klaf 60 os 1.

⁸Nachalas Tzvi Y.D. beginning of siman 97.

⁹See Shu"t Igros Moshe Y.D. cheilek 1 siman 30.

¹⁰Ibid. siman 31 s.v. Uve'tezem.

(continued from page 1)



that this was not practiced in earlier times, but he maintained that it is halachically required and cited the principle of *makom hinichu lo avosav*. The Satmar Rebbe argued in Divrei Yoel that this stringency was without

basis. He says that the principle of *makom hinichu lo avosav* applies only when one offers an approach that differs from that of others in the same halachic league—like Chizkiyahu, Asa, and Yehoshafat (all *melachim*), or Rebbe and earlier chachamim (all *Tana'im*)—but later *Acharonim*

cannot disagree with authorities of earlier generations, because they were on a much higher level. They certainly had reasons for permitting women to observe the men in shul.

O&A from the
BAISHAVAAD
HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

(continued from page 1)

(construction; Rambam Hil. Shabbos 10:13). While the *melacha deOreisa* involves a permanent *ohel* (one that remains in place for days), spreading a temporary *ohel* is forbidden *mideRabanan* (O.C. 315:1).



A solution is to spread at least one *tefach* (approximately 3.5 inches) of the towel before Shabbos. Spreading the rest on Shabbos is then permitted, because the *ohel* has already been made, so this spreading is only *tosefes ohel arai* (adding to a temporary *ohel*; O.C. 315:4).

If you only need shade for a few moments, you may ask two people to hold the towel in place over you, because an *ohel* held up by people is not considered an *ohel* (Kovetz Halachos 33:16)—provided that they hold the *ohel* directly. If they are holding it only indirectly, e.g., with poles, it is forbidden (Kovetz Halachos 33:18).

R' Moshe would presumably agree with the Sma, because in the Sma's case, too, if it is known that the butchers customarily soak the meat, a buyer particular about quality would not rely on color. Contrariwise, the Shulchan Aruch HaRav and the Divrei Malkiel, who maintain that any attempt to hide the inferiority constitutes fraud—even if a knowledgeable customer will understand that color doesn't reliably indicate quality—would presumably agree with Rav Baumol.

Scan here to receive the weekly email version of the Halacha Journal or sign up at www.baishavaad.org/subscribe



Elevate your Inbox.

SILVER
FAMILY
THERAPY
AGENCY
Care

BHHJ SPONSORS

Mr. Leo Eckstein

Retirement Plan Specialist
New York, NY

To become a corporate sponsor of the BHHJ or disseminate it in memory/zechus of a loved one, email info@baishavaad.org.