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Halachos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Halachos Pertaining to Chocolate

Chukas 5785

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Chocolate Production Process

Stages of Production

1. For the halachos pertaining to chocolate, it is essential to begin with an introduction describing the chocolate production process, which affects many halachos. Although few people are involved in chocolate production, most people in the world eat it. Thus, we will set forth some of the relevant halachos.
2. **Cacao beans.** Chocolate is made from cacao beans. Cacao pods grow on a tree, like any fruit, and are about the size of a small pineapple. The pods contain dozens of brown beans encased in a white pulp. The beans are separated from the white case and set aside covered with banana leaves to ferment, after which they are sun-dried. Then, the beans are roasted, the shells of the roasted beans are cracked, and the actual fruit, called "nibs," are separated from the shells. After that, the nibs undergo an extended grinding process while being lightly heated to around 50°C [122°F]. The result is a thick liquid called chocolate liquor. [It contains no alcohol and is distinct from the familiar chocolate liqueur meant for drinking.]
3. After this, the chocolate liquor is transferred to a grinding machine made of cylinders that rotate against each other, through which the liquor passes over and over until it becomes a smooth liquid without any cocoa particles. Chocolate is made with this smooth mass.
4. A special process is used to separate the chocolate liquor into two components. One is cocoa butter, the oil-colored fat in cocoa that gives chocolate liquor its liquid consistency. The other is cocoa powder. These are used to produce various products in the chocolate family, each with unique proportions of the components and different added ingredients, e.g., sugar, milk powder, and the like, to produce the desired item. Then, the liquid chocolate is poured into molds to form bars or any other shape. Finally, there is a ready-to-eat piece of chocolate.



Hilchos Brachos

Crushed Fruit

5. As an introduction to some hilchos brachos regarding chocolate, we will first cite some principles. The poskim explain that if a fruit is crushed but its essential substance is still intact, e.g., dates crushed into a paste, the bracha is Ha'eitz (שו"ע סי' ר"ב ס"ז). However, if it is completely crushed to the point that it is no longer identifiable, l'chatchila one should make a Shehakol, but b'dieved one is yotzei if he made a Ha'eitz (שם רמ"א ומ"ב שם).

Usually Eaten Crushed

6. The poskim write that if a particular fruit is usually eaten crushed, Ha'eitz, not Shehakol, is said l'chatchila (מ"ב סקמ"ד) (הגר"ז, חיי אדם, מ"ב סקמ"ד). For example, even though it is completely ground up, the bracha on ground ginger eaten with sugar is Ha'eitz since that is how it is normally eaten.

Bracha Rishona

7. Based on the above, the poskim deliberate about the bracha on chocolate. On the one hand, it is made from cacao beans, which

grow on trees and are usually eaten crushed, so it should be Ha'eitz. But on the other hand, the form of the fruit is not discernable whatsoever in chocolate. We will cite the opinions.

Borei Pri Ha'eitz

8. Some hold the bracha is really Ha'eitz, as the most common way to eat cacao beans is in the form of chocolate. This is based on what we wrote above (6), that when something is usually eaten crushed, its bracha is Ha'eitz (הגר"ש"א, שו"ת מנחת שלמה סי' צ"א אות ב', שו"ת שבט הלוי ח"ז סי' כ"ז, תשובות והנהגות ח"א (מקור הברכה סי' כ"א)).

Shehakol Nihyeh Bidvaro

9. However, most poskim hold a Shehakol is made on chocolate. This is the accepted practice everywhere, and a widely accepted practice cannot be changed (שו"ת אג"מ אורח ח"ד סי' ל"א, מחזה אליהו ח"ב סי' ח', שו"ת שבט הלוי ח"ז סי' כ"ז, תשובות והנהגות ח"א (סי' קפ"ז)). We will cite some of the reasons given as to why chocolate is Shehakol.
10. **Made of multiple ingredients.** The poskim's reasoning is that chocolate is not similar to the crushed fruit discussed in halacha, because chocolate is not just ground up cacao. It is cocoa powder with cocoa butter and other added ingredients; pure cacao is bitter and not meant to be eaten on its own. Since the way it is eaten is only with additional ingredients, which are sometimes the majority and sometimes the minority, the bracha established for chocolate was Shehakol (פוסקים הנ"ל).
11. **New form.** Another reason given is that since the chocolate is made into one big mass after it is ground up, it can no longer be described as cacao bean powder; it has a completely new form ["פנים חדשות"] (סי' מגילת ספר סי' ז'). Although those who say Ha'eitz want to claim it still has its form due to its brown color, that is not called "having its form." Chocolate does in fact have a brand new form, completely unrelated to its original bean form.
12. **Cocoa powder with sugar.** Based on the two above reasons, if one would mix cocoa powder with sugar and eat it that way, he would say Ha'eitz, as neither reason applies. It is not mixed with anything other than sugar, just like ginger mixed with sugar (above, 6), and secondly, it does not have a brand new form, as it was not made into a new shape (שם מנחת שלמה שם).

Eating Fruit, Then Chocolate

13. It sometimes happens that a person eats a fruit and makes Ha'eitz on it, then takes a piece of chocolate in front of him, e.g., at a shalom zachar, and wants to make a Shehakol on it as usual. However, this raises a shaila, because if its bracha is Ha'eitz (above, 8), one can no longer make a Shehakol on the chocolate, as he was already yotzei with the Ha'eitz he said on the fruit.
14. However, if one has specific intent when he says Ha'eitz that he only wants it to be for that fruit or only for things which are definitely fruits, not things with uncertain fruit status, then the chocolate is not covered by the Ha'eitz, and he can say Shehakol on it. According to most poskim, one is able to have in mind not to be yotzei with a bracha for a particular item.
15. If this is correct, since the widespread custom throughout the world is to say Shehakol, not Ha'eitz, on chocolate, then even if one did not have anything specific in mind, he can rely on the fact that he did not intend for his Ha'eitz to cover the chocolate, as people view it as a basic fact that chocolate is Shehakol (מיר בעל שבט הקהתי).

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Bracha Acharona

16. **K'dei achilas pras.** To make a bracha acharona on food, a kezayis of the food must be eaten within the timeframe of k'dei achilas pras, i.e., about 27 cc of food within four minutes.
17. **Piece of chocolate.** Thus, when eating a piece of chocolate—or sucking on it, which is considered eating (שׁוֹרֵת מִנַּחַת יִצְחָק ח"ב סי' ק"י)—one should not make a bracha acharona unless he eats a kezayis within k'dei achilas pras, which is four minutes.
18. **Hot chocolate.** When one drinks hot chocolate, i.e., a hot drink with a cocoa powder base or the like [which is certainly Shehakol] that is normally drunk slowly, it is subject to the same bracha acharona halachos as coffee (see Issue 219, par. 33 and on at length). Some hold Borei Nefashos is not made afterward since it is not drunk within the time it takes to drink a reviis (ר"י סק"א). Others rely on the opinion that the timeframe for drinks is also k'dei achilas pras, so as long as one drank a reviis within four minutes, he can say Borei Nefashos afterward.

Chocolate During a Meal

19. Since chocolate is just eaten for pleasure, not for satiation or to accompany bread, one should say Shehakol on it even in the middle of a meal.
20. **Eating chocolate with tea.** If one drinks tea at the end of a meal and eats a piece of chocolate along with the tea to sweeten the tea, no bracha rishona is made on the chocolate, as it is secondary (ספל) to the tea. Just as no bracha is made on tea at the end of a meal—as brachos are not made on drinks within a meal even when they are brought out at the end—no bracha is made on chocolate that is secondary to tea.

Chocolate-Covered Almonds, Raisins

21. Regarding an almond or raisin covered with chocolate, if one of the two are more primary to a person, e.g., he primarily wants the chocolate, and the almond just accompanies the chocolate, he should make a bracha on the primary one and not say a separate bracha on the “accompaniment.”
22. Most poskim say that if he wants to eat both, he should say a bracha on the one that is the majority. If he does not know which is the majority, he should say Shehakol (96 ודאת הברכה עמ').

Kosher Chocolate Production

Hashgacha

23. **Non-Jewish factory.** Kashrus organizations encounter many challenges in ensuring that kosher chocolate made on a production line in a non-Jewish factory is indeed of high-level kashrus, without any bliyos of nonkosher food, milk from a treifa, non-Jewish milk, or the like. Even if they can verify everything is done properly in the workers' area, there is sometimes a network of pipes enveloping the pipes containing chocolate in the steam machine that carries hot water between different places and areas of the factory. Accordingly, it must be ensured that all the foods—even those processed in other areas of the factory—are kosher.
24. **Jewish factory.** Even on a Jewish-owned production line with no issues of nonkosher food, there are some issues regarding kashering the utensils and machines between the production of milchige and parve chocolate. A more serious issue is kashering utensils on a chocolate production line for Pesach to ensure there are no chometz bliyos. We will discuss some aspects of this topic.

Hagalas Keilim

25. When a kashrus organization wants to oversee something made on a non-Jewish owned production line, the first thing they usually do is kasher utensils, pipes, and machines in order to remove all nonkosher bliyos. The big challenge is when there is equipment hagala cannot easily be done to or that is totally unreachable.
26. **Utensils designated for chocolate production.** There are certain things specially made to produce chocolate. Also, there are special pipes used to bring hot, liquid chocolate from place to place. For the most part, no water is allowed to enter this equipment, as it will harm the quality of the chocolate, which is greatly affected by contact with water. The shaila is, how is it possible to kasher equipment from nonkosher food without using water?
27. **Libun.** It is theoretically possible to kasher equipment with fire without using water. However, it is usually impossible to reach every spot with fire, and factories for the most part will not permit doing libun on every spot that needs libun.

Hagala Using the Chocolate Itself

28. **Other liquids.** Hagalas keilim is usually done with boiling water. There is a machlokes among the poskim and Rishonim whether hagala can also be done with other liquids (ע"י שו"ת הרשב"א ח"א סי' ת"ק, ורמב"ן חולין ק"ח ע"ב). The Rama (אר"ח סי' תנ"ב ס"ה) writes that the only liquid we do hagala with is water since other liquids do

not naturally draw out bliyos like water, and we follow this l'chatchila. However, hagala with other liquids works b'dieved (רמ"א שם) since some poskim hold other liquids can also be used for hagala, and they may be relied upon b'dieved (מ"ב שם).

29. **Mutar.** Based on this, some want to say that since chocolate production equipment cannot be kashered with water as it might get damaged, hagala can be done with the chocolate itself. In other words, after a run of chocolate made with non-Jewish milk or other nonkosher items, the production system can be filled with kosher chocolate at a slightly higher-than-usual temperature. Then, the bliyos will be expelled from the equipment into the chocolate, in accordance with the rule of כבולעו כך פולטו. That chocolate will not be used in the kosher run; it will be packaged as nonkosher chocolate. After that, when new chocolate goes into the system, it will be completely kosher since hagalas keilim was done with chocolate, which is considered “other liquids.”
30. Although something kashered with other liquids is only kosher b'dieved (above, 28), we also rely on other heterim to say that the bliyos are batel b'shishim, and one may be meikel with the issur d'rabanen of non-Jewish milk.
31. **Vast quantity.** Those who are meikel also mention the heter of using a vast quantity [שפיע י"ד סוף סי' צ"ט] (“שפע רב”). The small amount of bliyos present will not contribute anything, as this equipment is always used in a way that the product is at least sixty times greater than the bliyos. Also, they wait until it is not a ben yomo, at least by waiting overnight, which is enough to make something שו"ע י"ד סי' טעם לפגם according to some poskim (ק"ג סי' ה). With the combination of all these factors, some rely on this heter of using chocolate itself for hagala (הגרא"י וועסטהיים) (במאמר בסוף סי' חלב ישראל כהלכתו עמ' תקט"ו).

Assur

32. **Cannot rely on this.** However, others question this heter of using chocolate for hagala, as the Rama only allows it b'dieved, not l'chatchila. Also, who says chocolate is considered a liquid for these purposes? After all, chocolate is a food, especially considering that chocolate contains fat, and the poskim say שו"ת אג"מ י"ד ח"א סוף סי' (ק"ג סי' ה). Accordingly, these poskim hold one may not rely on using the chocolate itself for hagala (הגרא"א עקשטיין מאמר בקי נתיב החלב ח"א, וכן הנהוג גם אצל כמה וועדי כשריות באה"ב).
33. **Not ben yomo.** Additionally, the kula to do hagala after waiting overnight is not universally agreed upon, as the Shulchan Aruch paskens one must wait 24 hours to make something into a non-ben yomo. The opinion that holds waiting overnight is enough may only be taken into account in a pressing situation (שו"ע י"ד סי' ק"ג סי' ה), and for the most part, factory owners will not allow their machines to rest idle for 24 hours.
34. **Milk powder.** Another point they raise about the heter of doing hagala with chocolate is that chocolate is usually made with milk powder, i.e., concentrated milk, not regular milk. Therefore, when calculating sixty times the volume to nullify the bliyos, one needs to nullify a greater amount than the volume of the powder in the chocolate since it is concentrated milk and has a stronger flavor than regular milk, as the poskim point out (שו"ת מנחת שלמה, סי' ד', שו"ת מנחת יצחק ח"א סי' ט'). That being the case, the heter of a vast quantity (above 31) is lost; kashering is necessary according to halacha, not just as a chumra.
35. **Milk from a treifa.** It should be noted that aside from the issur d'rabanen of non-Jews' milk, the milk used by non-Jews for their chocolate can also run into shailos of milk from a treifa, which is an issur d'oraisa. Not every place tracks C-sections performed on milking cows, and there is also concern for it being a treifa (ע"י שו"ת שו"ת שו"ת הלכות ח"א סי' ק"ג). When dealing with an issur d'oraisa, some of the heterim suggested above do not apply.
36. With this, we can properly understand that even if chocolate is produced with only natural ingredients, one can still only eat chocolate with a high-level hechsher that is careful about everything and does not rely on a combination of many kulos.
37. Some take a position in the middle. They do not rely on hagala with chocolate if there is concern for nonkosher food in a non-Jewish factory or at least concern for chometz. However, if the factory only makes kosher chocolate, just the previous run was with a different, even weaker, hechsher, they rely on hagala with the chocolate after a thorough cleaning and only when it is a non-ben yomo after 24 hours. They do not use the first run of the kosher chocolate, as mentioned above. The chocolate after that is used for Jews, who may eat it and enjoy it (הובא) (במשניות ומהנהגות למרן פוסק הדור ח"ג סי' קכ"ג, מתורתו של רבי פנחס עמ' תכ"ה).