



# THE HALACHIC CORNER

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COR - KASHRUTH COUNCIL OF CANADA



## ARE Grasshoppers KOSHER?

BY: RABBI MOSHE BILLER

What does a grasshopper taste like? You may not care to know the answer. However, even if you don't, the Torah instructs us to try to learn how to distinguish between the species which are permissible and those which are not.<sup>1</sup> The Torah assigns particular significance to discussion of "Arbeh" which is translated as locust, specifically, the *Makkah* in Egypt and the plague that occurred in the days of the Prophet Yoel.<sup>2</sup> The Mahara"l explains that whereas other *Makkos* were extraordinary and mainly outside of the realm of nature, *Arbeh* is a natural phenomenon which is not uncommon. People relate to natural phenomena and are fearful of them.<sup>3</sup> This is demonstrated in Shlomo Hamelech's *tefilla* during the *Chanukas Beis Hamikdash* that we be saved from all troubles including famine and *Arbeh*.<sup>4</sup> Fascinatingly, the Gr"a in *Mishlei* learns a lesson from the behaviour of *Arbeh*. While *Arbeh* have no leader, their power of *achdus* and ability to act in unison is all powerful and, when unleashed, can destroy everything in their way. Similarly, when the power of *achdus* is absent from the Jewish people, we lose power and suffer consequences.<sup>5</sup>

The Torah identifies four types of kosher grasshoppers by name, *Arbeh*, *Sal'am*, *Chargol* and *Chogov*. The Gemara in *Chullin* (65a) adds an additional four kosher species to the list; *Tzipores Kramim*, *Yochana Yerushalmis*,

*Ertzuvia*, *Harzabnis*. However, from a total of eight hundred species of grasshoppers, a mere one percent – eight out of eight hundred, is kosher. This presents a challenge in identifying the kosher grasshopper.<sup>6</sup> The only *siman kashrus* that is mentioned in the Torah is that their knees bend higher than their legs, enabling them to jump around the land.<sup>7</sup> Rashi adds more *simanim* that are provided by Chaza"l, namely that they have four legs plus four wings and that those wings cover most of their body.<sup>8</sup> Ultimately, Rashi describes that some have elongated heads while others have no tails and that to be kosher, we must be able to identify it as *Chogov*. Since we are not experts in which species of grasshoppers are called *Chogov*, they should all be avoided.<sup>9</sup>

From the eight listed kosher species, it seems that the present-day discussion about a tradition of kosher grasshoppers is limited to the original species called *Arbeh*. Indeed, the *mesorah* comes exclusively from the Jews of Yemen and North Africa who have identified three kosher species as the desert locust (*schistocerca gregaria*), European locust (*locusta migratoria*) and Moroccan locust (*dociostaurus marocanus*); with the most common being the desert locust. The last Chief Rabbi of Yemen, Rabbi Amram Qorah, writes in his *sefer* called *Sa'aras Tayman* (page 99) that there was a tradition in Yemen to eat the grasshopper called *girad* and that it is undoubtedly kosher. Rabbi Yosef Kapach in his *sefer* called *Halichos*

*Tayman* (page 218) confirms this species as kosher while explaining that this is from the only species that travels in swarms. In *Sefer Melech Hakodesh, Parshas Shemini*, the author identifies the kosher species as *Amrid* which he says is the species that is found in locust plagues.

On the other hand, Rabbi Chaim ibn Attar, the Ohr Hachaim Hakadosh, also lived in Morocco over three hundred years ago where grasshoppers were common and he issued a ban on their consumption. In his *sefer* on *Shulchan Aruch* called *Pri Toar*, the Ohr Hachaim Hakadosh brings the opinion of Rashi that the jumping legs of a kosher grasshopper are actually a separate set of legs which are located high up on its body, near its neck. He uses this to refute the claim that the desert locust is kosher since its jumping legs are not located next to its neck. In fact, no known locust appears the way that Rashi describes. In the common grasshoppers and locusts, including those that many in his community were accustomed to eating, the jumping legs were below the four walking legs, toward the rear of the insect. Based on this, as well as other reasons, he concludes that the local custom of eating these species of locusts was in error and people should refrain from eating any grasshoppers due to the difficulty in identifying the kosher species among the vast number of non-kosher species.<sup>10</sup>

This stringent approach is supported by the words of the *Shulchan Aruch* who says no



matter what *simanim* the grasshopper bears, it cannot be consumed without knowing that it is from the *Chogov* species.<sup>11</sup> The Taz in his commentary goes even further by adding that nowadays we do not consume any grasshoppers even if we know that they are from the *Chogov* species since we cannot be sure that we are experts in identifying them.<sup>12</sup> In order to eat them, there must be a tradition that a grasshopper was consumed as kosher food.<sup>13</sup> Some claim that even if there was a tradition to eat them, it must still be avoided unless the tradition includes identifying the kosher species as *Chogov*.<sup>14</sup>

Furthermore, it appears that the existing *mesorah* applied only to the darker grasshoppers (brownish turning black) and not to the ones that are green. The problem is that they are both from the same species! How could some members of the same species be kosher and others not kosher?<sup>15</sup>

The only explanation to this problem is to suggest that the reason they didn't eat the green ones is because they have no taste<sup>16</sup> or because they are inedible as opposed to saying they are not kosher.<sup>17</sup>

Some defend the practice of those who eat grasshoppers by explaining that Rashi is not referring to the jumping legs but rather the fore legs that enable the jumping legs to function.<sup>18</sup> This is further supported by the opinion of the Rambam that specific knowledge to identify the species as the *Chogov* is required only if the particular grasshopper in question has characteristics which are not similar to the kosher grasshopper. However, grasshoppers that contain all of the kosher *simanim* can be considered kosher even if they are not called a *Chogov*.<sup>19</sup> This should be obvious since *Chogov* is not the only kosher species listed in the Torah, although some claim that all kosher species are referred to as *Chogov* or *Girad*.<sup>20</sup>



There is another rather obscure *siman kashrus* that does not come up in *halacha* but does come up in a *Medrash*.<sup>21</sup> Kosher grasshoppers will have a letter "n" on their chest which stands for חיל as the insect acts as a soldier

in the army of Hashem to carry out His wishes. The desert locust does indeed have a marking that appears like a letter *ches* on its chest and its *kashrus* status is undoubtedly supported by this *siman*.<sup>22</sup>

In conclusion, it appears that some allow kosher grasshoppers according to the traditions of the Yemenites and North Africans while most others, both in the Ashkenazi and Sephardic communities, do not.<sup>23</sup> In our times, in most countries where we live together and communication is free flowing, perhaps there is room for everyone to eat it according to the *mesorah* of those who ate it throughout the years. While some rely on this,<sup>24</sup> the opinion of most contemporary *Poskim* including Rabbi Chaim Kanievsky and Rabbi Ovadya Yosef zt"l is that a long-standing position to forbid a particular food cannot be uprooted even if a new *mesorah* is presented.<sup>25</sup> As a result, the most common custom in our countries maintains that grasshoppers are forbidden.

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*Rav HaMachshir,  
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יוסף קאפאח בביאורו על הרמב"ם הלכות מאכלות אסורות מבאר שרשי" מדבר על השתי הרגלי"ם הקדומים אשר לפני שקופץ עם השתי רגליים המיוותרות מתחתיה בהם וקופץ על ידיהם.  
19 מגיד משנה (פרק א' הלכה כ"ב). ועי' בספר חגורת שמואל (ס"ק ב') שאם יש מסורה על אזה מין מאז אין צורך שיקרא שמו חגב.  
20 עי' בספר דברים שלמים ובספר דברים דקדוק מחמקי מורוקו שתימדי היה קוראים את המין הטהור בשם חגב או בשם גיראד והמין הזה היה להם את כל הסימני כשרות.  
21 מדרש הגדול שמות (י' פסוק י"ז).  
22 ספר בניהו (עמוד ס"ה) תיאר את הארבה שהיה בארץ ישראל בשנת 1694 שהיה להם סימן ח"ית"ת על לבם על המשרים, והיה אולי"ם אותם. וכן הביא ר' אברהם אנקאווה בספר דברים שלמים הלכות שחיטה (פרק א') שכן הוא. וכי שאין לסמוך על זה בלי שאר סימני כשרות. וכי"כ בספר עולת יצחק (סימן ר"ב אות ב' וזאת ד').  
23 קן פסק הרג"ח קייבסקי זצ"ל בספרו קרני חגבים (פרק א' אות ה') שהנהוגין לאכלם מנהג בטעות.  
24 כן שמענו מהגר"ח הערשלי שכתב שליט"א במשרד של COR ביום ה' פרישת כי תבא תשפ"ה ואמר לנו שהוא סומך על השי"ך (סימן פ"ה ס"ק ב') דכ' דהצייד נאמן להעיד על מין שהוא חגב. אמנם כי עליו הפמ"ג שפ"ד (ס"ק א') שעשוי אין לסמוך כי אם במסורת. הרי מבואר דלא כי השי"ך דהצייד נאמן לעשות מסורה אלא לומר דמין זה נקרא חגב וצ"ע בדעת הרב הגדול ועי' מ"ש בהערה הבאה שלא ק' דעת זמנינו.  
25 עיין במשנה הלכות בחלק ט"ז בסימן ט' שמביא תשובות הראי"ש בכלל כי בסימן כ' על עוף אחד שאוכלים אותם במקצת מקומות שאם החזיקו באיסור כבר במקום אחד אין אנו יכולים להביא מסורה מקום אחר רק היכי דלא היו ידועים. ועי' בערך השלחן (סימן פ"ב) ובחכמ"א (כלל ל"ט) שעשוי אין לאכול שום חגב אפילו אם יש להם את כל הסימנים וידוע ששמו חגב. רק הכי החיים התיר לבני יתמן לאכול החגבים בא"י אם יש להם מסורה. ובמעין אמר ח"ד (פרק ב' סימן י"ב) כי שהג"ר עובדיה יוסף זצ"ל אשר לבסוף אשכנז וגם לספרדים לסמוך על מסורה של היתמנים ורק ליתמנים לבדם התיר.

האחרון שעשה ד' שתימדי רגלי היה מין זה לבוא לבו או לגי' שנים ולא איחר טפי מד' שנים. וכי דמשעה שפירסמתי איסורם וזכמתי העיר הטו אזנם ואסורם מאותה שנה לא נראו עוד במערב למעלה מעשרים שנה. וכי"כ ג"כ בחיבורי אור החיים ויקרא (פרק י"א פסוק כ"א) ומסיים שם לכן כל ירא וחרד ירא ויפחד לכל שיש ידו לשקץ הזה וימחה ביד שליחי ד'. והנה מיום שנשמעו דברי במערב ופירשו מהם רבים לא נגע ד' עוד במכה זו ולא נראו זה יותר מ"ב שנה כי תורה ומעשים טובים כתרסי בפני הפורעניות עכ"ל.  
11 שו"ע י"ד (סימן פ"ה בסעיף א') וז"ל סימני חגבים כל שיש לו ארבע רגלים וארבע כנפים וכנפיו חופים את רוב אורך גופו ורוב הקיפו ויש לו שני כרעים לתת בהם וכו' ואף על פי שיש בו כל הסימנים הללו אינו מותר אלא אם כן שמו חגב או שיש לו מסורת ששמו חגב עכ"ל.  
12 ועי' ט"ז (ס"ק א') ועכשיו נוהגים שלא לאכול שום חגב אפילו בידע ששמו חגב לפי שאין אנו בקיאים בשמותיהם.  
13 בטור כאן כתב טעם לפי שאין לאכול אלא במסורת וגם זה מהוה ספק גדול בכל המסורה כיון שאין ידוע לנו אם המין הזה שנקרא ארבה הוא זה שנקרא חגב. ובגלל הטעם הזה מעורר האור החיים בספרו הגדול ספיקות בהמסורה על החגבים ומצריך שיהיה להם מסורה על המין המקובל ששמו חגב כדי שיהא מותר באכילה.  
14 ספר פאת שדך חלק א' (סימן ס"ב) דזה גופא שמעידים שאכלו אותם, אינו ראייה ורק אם מעידים שזה ששמו חגב אז אפשר לסמוך על מסורה שלהם וזה קשה לידע כהיום.  
15 פרי תאר (שם).  
16 ר' יוסף קאפאח בספרו הלכות תימן (עמוד 218) שהירוק והחום הם בעצם אותו המין אשר בשלבה ההתפתחות שלהם הוא משנה את צבעו והסיבה שלא אכלו את הירוק הוא משום חוסר טעם.  
17 בספר נפת צופים לרבי פתחיה בירדוגו (סימן י"ג) שהטעם שלא אכלו אותם הוא מחמת כחישותה דבעודה קטנים נפסלו מאכילת כלב ואסרו אותם מחמת מיאוס.  
18 עי' בספר שיחת חולין שמבאר את דברי רש"י שלא יהיה קשה על המציאות שנהגונו על שתי הרגלי"ם הנמצאים בחלק הקדמי שהם נראים כמו שהם סומך לראשם. וכן ביאר בספר נפת צופים י"ד (סימן י"ג). והרב

1 עיין בספר החינוך במצות עשה (מצוה קנח) ז"ל מצוה לבדוק בסימני החגבים להרמב"ם אפילו אם אין אכלם לידע המינים בעצמם הוא מצוה ועי' רמב"ם ריש הלכות מאכלות אסורות שיש מחלוקת בה. והרמב"ן לא מנה במנין המצות. ויש סימן שלם בשי"ע י"ד (סימן ע"ה) שדן בדני חגבים טהורים. ועי' מוסל עליו חוב לברר המצוה של חגבים. ועי' ספר קרני חגבים להגר"ח קייבסקי שמבאר בהקדמתו שמקיים בזה מצות עשה לידע הסימנים שביניהם ועי' פרק א'.  
2 הרי מוצאים את החגבים בפרשת בא (פרק י' פסוק ב') במכת ארבה ומאריך ומלמד שיש חוב מיוחד לספר את המכה הזאת דוקא וכמו שכתוב ולמען תספר באזני בן ובן את אשר התעללתי במצרים ואת אותותי אשר שמתי בם וידעתם כי אני ד' מה שלא נאמר אצל מכה אחרת. וכן אנו מוצאים במכת הארבה שהיה בימי יואל הנביא הובא בספר יואל (פרק א' פסוק ב') שמענו זאת הקדקים והאזינו כל יושבי הארץ היתה זאת בימיכם ואם בימי אבותיכם עליה לבניכם ספרו ובניכם לבניהם ובניהם לדור אחר יתר הגזם אכל הארבה ויתר הארבה אכל הילק ויתר הילק אכל החסיל וגו' הרי יש ענין לספר על המכת הארבה יותר שאר מכות. ועי' שם איך שהנביא מאריך ומתאר את המכה באופן מפורט מאד.  
3 גבורות ד' (פרק ל"ב), וכן אנו רואים בהתנחל כי תבא (פרק כ"ח פסוק ל"ח) דבר זה תוציא השדה ומעט תאסוף כי יחסלנו הארבה וגו' וכל ענף ופרי אדמתך יירש הצלצל (והוא מין ארבה).  
4 מלכים א' (פרק ח' פסוק כ"ז). עי' תענית (פרק ג' משנה ה') על הדברים שמתירעים עליהם אפילו בשבת וכו' על הגובאי (שהוא מין חגב).  
5 עי' מי שילוח תחילת פרשת בא. ועי' בספר נצח ישראל (פרק ה') לענין השם קמצא שהוא מרמז לארבה ושלא היה להם אחידות בזמן ההוא כמו שהיה להארבה ולכן על קמצא ובר קמצא נחרב ירושלים.  
6 חולין (ס"ג): תני אבימי בריה דרבי אבהו וכו' וחי' מאות מיני חגבים יש.  
7 ויקרא (פרק י"א פסוק כ"א).  
8 משנה חולין (פרק ג' משנה ד').  
9 ויקרא (שם) ד"ה ממעל לרגליו.  
10 פרי תאר (סימן פ"ה ס"ק א') ועי' שם דאחד מהמתירים שלא שת לבו לחוש לאיסור הראוהו בחלום שהיה אכל שקצים ורמשים והעירוהו כי הם הארבה שאכל היום נכמה דברים עשה ד' והצדיק הדברים. וגדול הנס



# FROM FRAME TO SCHACH:

## *Tips to Consider When Building a Sukkah*

BY RABBI YOSEF DOVID ROTHBART

As the Yom Tov of Sukkos approaches, we begin turning our attention to preparing our *sukkos*. There are many *halachos* that determine whether a *sukkah* is fully valid or only minimally acceptable. The following are six considerations to bear in mind when building a *sukkah*.

### USING A *SHLAK* OR RAIN COVER

One who places a *shlak* or other covering over the *sukkah* to protect it from rain must ensure that the covering is not in place when the *schach* is put on. If one forgot and placed the *schach* while the cover was still spread, the *schach* should be lifted and replaced after the covering has been removed. (תרכ"ו, ג)

### SUPPORTING THE *SCHACH*

If one's *sukkah* is constructed with a metal frame, the *schach* should not be placed directly upon the frame itself. Instead, wooden beams should be laid across the length of the *sukkah*, and the *schach* should then be placed atop these beams along the width. Where necessary, one may first position the wood upon the metal frame and then rest the *schach* upon the wood. (תרכ"ט, תר"ל)

### SECURING THE *SCHACH*

One should not place metal objects on top of the *schach* to prevent it from being blown away in an ordinary wind. Similarly, the *schach* should not be tied down with plastic cable ties or other fasteners that may not be used as *schach*. If the *schach* is sufficiently sturdy to withstand a normal wind, this is acceptable. Nonetheless, it is preferable to place additional wooden beams, such as 2x4s, across the *schach* in order to secure it in a halachically proper manner.

### SUFFICIENT *SCHACH* COVERAGE

The *Schach* must provide more shade than sunlight. If part of the *sukkah* is covered with thinner *schach* that does not provide majority shade, while the rest of the *sukkah* is covered adequately, the Mechaber rules that one may sit even under the thinner area. The Rema, however, writes that each area of seven by seven *tefachim* (seven *tefachim* is approx. 21–24 inches) is evaluated independently. (תרל"א, א)

### OVERHANGS

Care must be taken that no part of the *sukkah* is covered by an overhang, such as a roof extension or porch covering. If the overhang extends more than three *tefachim*

(approx. 9–12 inches) into the *sukkah*, one should not sit beneath it. Indeed, even having the majority of one's table situated under such an overhang should be avoided. (תרל"ב, א)

### CHILDREN PLACING THE *SCHACH*

There is discussion whether a child under bar mitzvah may put on the *schach*. Some authorities maintain that the placement should be performed by an adult to ensure validity, while others are lenient. Rav Shlomo Miller שליט"א has stated that the common minhag is to allow this. (שושנת ישראל)

### CONCLUSION

These are a few *halachos* that pertain to how a *sukkah* is built. In the merit of fulfilling the *mitzvah* of *sukkah* properly, may we be *zocheh* to sit in the *sukkah* of the *livyason*.

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# Behind the Counter

## A Roundtable with Some of Toronto's Kosher Restaurateurs

*Richard Rabkin, COR's Managing Director, sat down with three Toronto kosher restaurateurs—David Magazinich (The Chicken Nest), Sruli Portowitz (Bubby's Bagels, Essen, Crema Café, Stacked), and Dovi Rosen (Bubby's Bagels, Essen, Crema Café, Stacked). They paint a vivid picture of the joys, challenges, and community spirit behind Toronto's kosher dining scene.*

### Origins: From Dreams to Doors

**David (The Chicken Nest):** "My parents, Shalom and Linda, opened The Chicken Nest in 1994. Their dream was a kosher version of Swiss Chalet—the quarter chicken, the bun, the gravy. In 2018, I took over. What began as a 'two-year idea' has, *Baruch Hashem*, become a community institution for over 30 years. People use the word 'consistency' about us—but it's more than that. We care. We put our whole heart into every dish."

**Sruli (Bubby's / Essen / Crema / Stacked):** "I grew up in Brooklyn. I was used to bagels and pizza every Sunday. When I moved to Toronto, I couldn't find a proper bagel with lox and cream cheese. That gap sparked Bubby's Bagels. From there, we grew into Essen, Crema, and Stacked. Honestly, no one does this for the money. It has to be a passion."

**Dovi (Bubby's / Essen / Crema / Stacked):** "I never thought I'd be in food. After yeshiva, I came back during COVID, when real estate was frozen so I was thinking about other options. I met Sruli and started at Bubby's. In 2022, I officially became a partner. I'm not a foodie—I eat to live. For me, it's about building a business that runs smoothly. Customers offer suggestions, and I say, 'Great.' But what I really care about is service and structure."

### Serving More Than Food

**David:** "This isn't just a restaurant—it's a community restaurant. Our portions are generous, and our prices are among the

lowest in the city. I could charge \$30 for schnitzel, but I ask: what can our customers afford? We live here, we pay the same tuitions, buy the same groceries. I even had a situation where a customer lost a \$100 gift card, and I honoured it. People aren't just customers—they're neighbours."

*"Our payroll at the bagel store is \$60,000 a month. That's before rent, utilities, and ingredients. A \$6 bagel isn't gouging – it's math."*

— Dovi Rosen

**Sruli:** "We deliberately try not to compete with other kosher spots. Essen, for example, offers heimish fast food—burgers, hot dogs, poppers—because Toronto needed it. Thursday nights at Essen we're open till midnight, serving *cholent* and *yapchik*. It's about creating places the community actually needs and enjoys."

**Dovi:** "I don't dress it up in lofty terms. At the end of the day, it's just food. But when families come for bagels on Sunday mornings, or kids stop in after school, we're part of their lives. That's meaningful in its own way."

### Behind the Scenes: What Customers Don't See

**David:** "People don't always realize: we cook to order. If you call in a schnitzel platter,

we're not scooping from a pan that's been sitting there. Every schnitzel is fried fresh, burgers are grilled fresh, noodles are wok-fried fresh. Our chefs arrive at 8 a.m. The COR mashgiach opens up and lights the fires. The first rotisserie load is for lunch, and we cook throughout the day. During the school year, mornings are filled with orders for local schools. By 11:30 we're open for lunch, but the kitchen's already been buzzing for hours."

**Dovi:** "At Bubby's, a busy day means 7,000 bagels. That scale brings constant maintenance -- plumbing from all the bagel seeding, electrical issues with 20 refrigeration units, missing ingredients, drivers not showing up. My role is putting out fires: a fridge fuse goes, sewage backs up, or an Uber order glitches. Customers see a bagel on a plate; behind it is an operation running from 3 a.m. until close."

**Sruli:** "When we started, I was doing everything -- opening the store at 5 a.m., baking, deliveries, even cleaning bathrooms. Now we have staff, but the schedule is still grueling. Our baker arrives at 3–4 a.m., the pastry chef at 5, front staff by 6. Sundays are wild—we might sell a thousand bagels before breakfast. And people still come at 5 p.m. asking for cinnamon-raisin, not realizing they sold out 10 hours earlier. You can't have 100 leftover bagels at closing time."

### The Real Costs

**David:** "Labour is our biggest expense. Dishwashers who made \$16/hour pre-COVID now make \$22. Line cooks are \$28 to \$35. Food costs are up across the board."



And seasonality hits hard: from August to September, revenue can drop 50%. People see a packed house in August and assume we're flying, but one week later we're quiet, covering payroll with last month's revenue."

**Dovi:** "Payroll and inventory dominate. Our staff need to be paid whether business is booming or slow. We can't send a driver for a single cream-cheese bagel—it's not sustainable. That's why Uber Eats is both a blessing and a curse: another revenue stream, but they take 30%."

**Sruli:** "In theory, business is a third goods, a third overhead, a third profit. In reality, cheese doubled, eggs went up 150%, and meat prices rise every two months. Sometimes you're making ten cents on a scrambled-egg sandwich. We raise prices maybe once every two years, and people say, 'How can you?' But they don't see the costs."

### The COR Factor

**David:** "There's a misconception that kosher is expensive because of COR. In reality, our COR base fee is \$400 a month. That's less than I spend on napkins. COR isn't the problem. They're a partner—checking ingredients, lighting fires, visiting multiple times a day. When customers call COR and hear that our kashrut is top level, that validates everything we do."

**Dovi:** "I'm a COR huge fan. Once, we had a wraps issue. I called COR and got an answer in half an hour. Another time, they caught treif onion rings before they went out. That's not annoying oversight—that's a safety net. Relative to payroll and rent, COR is tiny. Consumers should be grateful for what COR provides."

**Sruli:** "The most I've ever paid is \$500 a month. Compared to staff, rent, or food, it's nothing. And COR has always been reasonable with me—if I needed a break, I got it. *Mashgichim* come at 6 a.m., sometimes four times a day. They need to be paid too. It's not expensive when you look at the big picture."

### Lessons Learned from the Trenches

**David:** "What lessons have I learned? Calm down. Early on, one complaint broke my heart, even with ten compliments. Now I take feedback in stride. A customer once told me, 'The biggest room in the world is the room for improvement.' In this business, you can't rest on your laurels. Every day you start at zero. You can't hide your mistakes, you can only correct them."

**Dovi:** "You catch more bees with honey. Be calm and respectful—with staff, suppliers, COR. Rapport matters. If I call a supplier and ask nicely, they'll try to help. Also: never underestimate good bookkeeping. And don't expect to get a lot of sleep."

*"The idea that COR fees stop new restaurants from opening is nonsense."*

*Startup costs are half a million dollars. COR is really a tiny cost on the list."*

— Sruli Portowitz

*As David put it bluntly: "I spend more on napkins than I do on COR fees."*

**Sruli:** "I used to be a hot-headed New Yorker but over time I've learned patience. Customers aren't malicious; maybe they're having a bad day. Treat staff like family—most of mine have been with me for ten years. And never forget Hashem. When Bubby's was shut down early on in our journey, my wife said, 'Make Hashem a partner.' We gave Him 10%. The next day, someone came with \$100,000 to save us. That's *emunah*."

### A Father's Legacy

**David (closing reflection):** "My father, now 79, came to Canada with no education—he thought 'busboy' meant driving a bus. But he built something lasting. He kept businesses alive, fed struggling families—often while we were struggling ourselves. He's a quiet man, but his *chesed* shaped this community. I want people to appreciate what he's done."

### The Final Word

Running a kosher restaurant in Toronto means waking up before dawn, managing payrolls, absorbing food price spikes, and living without weekends or holidays. But these restaurateurs show that with passion, faith, and commitment, it can be done.

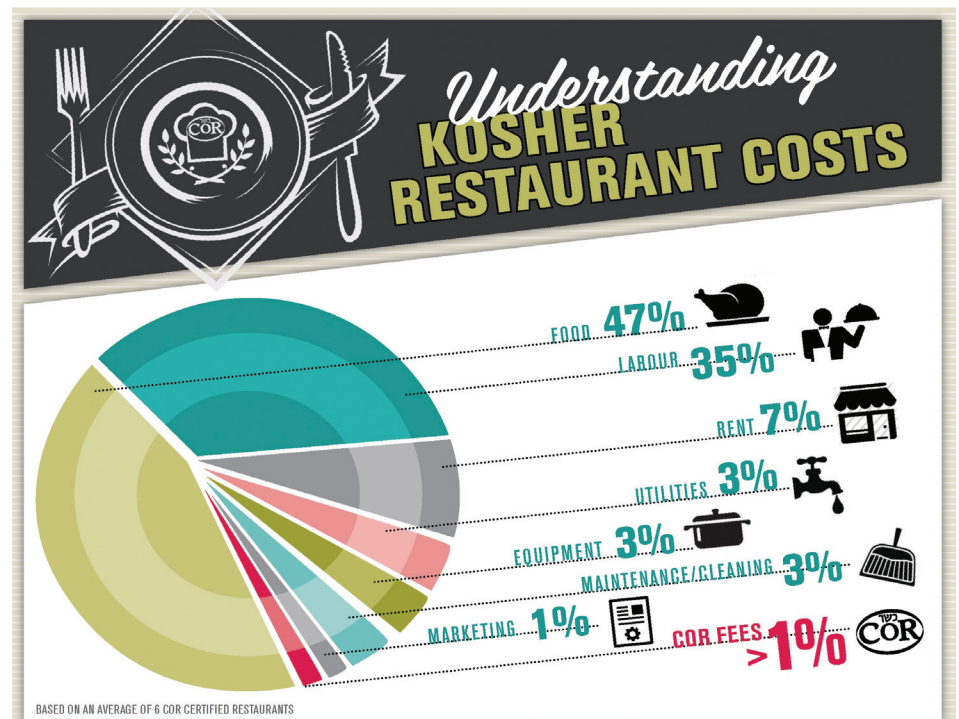
And if there's one myth they want to dispel: that the number or variety of restaurants in the city has nothing to do with COR.

As David put it bluntly: "I spend more on napkins than I do on COR fees."

What unites them isn't just food. It's consistency, community, and a belief that Toronto's kosher dining has a bright future.

**RICHARD RABKIN**

Managing Director





# HACHAZARA ON SHABBOS

BY: RABBI TSVI HEBER, BASED ON A SHIUR  
BY RABBI HERSHEL SCHACHTER SHLIT"A\*

FOR recently hosted the Rosh Yeshiva of RIETS and Posek of the Orthodox Union, Rabbi Hershel Schachter *shlit"a*, at our head office. This was an opportunity for local rabbonim to hear from the Rosh Yeshiva and benefit from his vast Torah knowledge and erudition, specifically in the area of *kashrus*. The Rosh Yeshiva delivered an in-depth *shiur* on the topic of *Shehiya* and *Hachazara* and specifically how they relate to preparation of food on *Shabbos* at caterers and hotels.

The Rosh Yeshiva introduced the concepts by explaining that these are two separate rabbinic prohibitions: the first is called *Shehiya* which is a prohibition against leaving food that is not yet cooked on fire from before *Shabbos*, and *Hachazara* which is a prohibition against returning fully cooked food to a heat source on *Shabbos*. The reason for the prohibition of *Shehiya* is a *gezeira*, concern for "*shema yechate*", that the flame be adjusted on *Shabbos* in order to facilitate further cooking of the food. When it comes to the prohibition of *Hachazara* the reason is clearly not because of *bishul*, cooking on *Shabbos*, because the prohibition applies even to food that can no longer be cooked; for example, a *davar yavesh shenisbashel*, dry food that is already fully cooked and cannot be cooked twice – "*ein bishul achar bishul*". Why is *Hachazara* prohibited?

The answer is a *machlokes* between the Rabbeinu Tam in *Sefer HaYashar* and the

*Chachmei Sefarad*. The first approach treats *Hachazara* as an extension of *Shehiya*, which is to suspect that the flame be adjusted. While we would not be concerned for *shema yechate* when it comes to food that is fully cooked on *erev Shabbos*, that is because there is still ample time to play with the flame to ensure it is set appropriately prior to *Shabbos*. However, when it comes to placing food on a flame on *Shabbos*, it is probable that the flame would not be set appropriately and would need adjustment. We are therefore concerned for *shema yechate* even as it applies to fully cooked food on *Shabbos*. The second approach treats *Hachazara* as a stand-alone *gezeira* since it appears as if the one placing the food on the flame on *Shabbos* is cooking – *nir'eh* or *mechzei k'mevashel*.

What are the practical differences between the two ways to understand the prohibition of *Hachazara*?

- 1) *Samuch* (placing adjacent to a fire, not directly atop): may help according to those who say that *Hachazara* is an extension of *Shehiya*; but will not help if *Hachazara* is its own *gezeira*.
- 2) Placing atop a *Blech*: will help if *Hachazara* is an extension of *Shehiya* but will not help if it is a separate *gezeira*.
- 3) *Amira l'nochri* (asking a gentile): will not help if it is an extension of *Shehiya* since the core concern is *shema yechate* which remains a concern even after the food was placed on the fire by the gentile. If it

is its own *gezeira* then it can be permitted using the principle of *shvus d'shvus b'makom mitzvah* – we are not concerned for a double rabbinic ordinance when it comes to a *mitzvah*.

- 4) Timers (*Shabbos* clocks): will not help if the flame that will turn on through a timer if *Hachazara* is an extension of *Shehiya* but will help if it is its own *gezeira*. The Chazon Ish held that it is prohibited.

The Rosh Yeshiva further explained the difference between the two ways of understanding the *Hachazara* by demonstrating the difference between the structure of *gezeiros* versus standard *issurim* that are rabbinically prohibited.

While a *melacha d'oraysa* – a biblical prohibition – can be violated only through a *ma'aseh melachah* (*b'kum va'aseh*), a *gezeira rabbonim* – rabbinic prohibition – can be situational and violated *b'shev v'al ta'aseh*. For example, *Shehiya* without a *blech* is not a *ma'aseh melacha* since it takes place prior to *Shabbos*. Rather, it is situational *b'shev v'al ta'aseh* which one may not enter on *Shabbos* due to the prohibition. This type of *gezeira* can exist even without active intervention at the time of transgression.

Other examples of this type of rabbinic *gezeira* are the prohibition against playing music on *Shabbos* – *shema yisaken kli shir* – you might come to fix a broken instrument. Should this be permitted through a gentile *b'makom mitzvah*





because it is a *shvus d'shvus*? For example, if someone always has music at a *Sheva Brachos* then maybe it should be permitted to have a non-Jewish band play music on *Shabbos*! According to our explanation it is still prohibited since it is the situation that was prohibited and not the action.

*Refuah* on *Shabbos* is another example since the *gezeira* is related to the *melacha* of *tochen* – *shema yishchok samimonim* – you might come to grind the ingredients. According to our discussion it would be prohibited for a gentile to *shmeat* cream for *refuah* on someone who is sick since the prohibition is situational and not action related. This is the position of the *Iglei Tal*.

It is also interesting to note that such situational rabbinic *gezeiros* are permitted on *Chol Hamoed* since the prohibition is situational and does not relate to the action.

The Rosh Yeshiva also addressed stock trades that are automated to take place on *Shabbos*. It is forbidden to make a *kinyan* on *Shabbos* *shema yichtov* – may come to write. This is a situational *gezeira* which *Poskim* forbid even if set up to automatically occur. Rebbe Akiva Eiger specifically addresses this problem in regard to the sale of *chometz* on *Shabbos* *erev Pesach*. The *Mishna Berura* seems to be *machmir*.

Some kosher certifiers have allowed operational *Hachazara* through a gentile

in hotel/catering settings, citing the *Biur Halacha* who seems to permit it. The Rosh Yeshiva clarified that the *Mishna Berura* does not permit this *l'hatchila*; rather he is, in turn, citing the opinion of the *Mahari"t* who held like the *Chachmei Sefarad* that *Hachazara* is its own *gezeira*. Based on that understanding, there is room to permit it through a gentile *b'makom mitzvah* as discussed above. However, according to our understanding, *Hachazara* is also an extension of *Shehiya*, and the risk of *shema yechate* is situational. This would preclude us from allowing *Hachazara* through a gentile on *Shabbos*. At most, the *Mishna Berura* permits *Hachazara* through a gentile only *bidieved* since legitimate *poskim* are lenient, but not that it is permitted *l'hatchila*.

*\* NOTICE: The foregoing is based on my limited understanding of the shiur given by Rabbi Hershel Schachter in the COR office. Rav Schacher has not reviewed the material, and I did not attempt to source his mare mekomos. Any inaccuracies, omissions, or confusion should be attributed exclusively to me.*

**RABBI TSVI HEBER**

*Director of  
Community Kosher*







BY RABBI YOSEF DOVID ROTHBART

**A**t the Halacha Institute of Toronto, we are privileged to present to Rabbonim real-world *shaylos* that arise in business, finance, and daily life. These questions are often complex, but through careful analysis, the Rabbonim provide clarity and practical direction. The following cases illustrate some of the halachic challenges that frequently arise in the areas of business and finance.

#### WHEN "FAIR RIBBIS" IS STILL RIBBIS

Questions often arise when well-meaning individuals attempt to create what they view as "fair" arrangements. In one case, a father wished to help his son purchase a home by lending him money for a down payment. To fund this, he borrowed from his own line of credit, intending to charge his son only the amount of interest he himself was paying. He reasoned that since he was not profiting, the arrangement should be permitted.

However, he was advised that this is not so. Even when it appears equitable, charging interest on a loan to a fellow Jew — even to one's own child, and even when one is just covering his interest payments — is prohibited *ribbis*. The fact that the parent's line of credit carried interest does not permit passing that cost along.

#### NON-COMPETE AND NON-DISCLOSURE AGREEMENTS

A business owner approached with a concern that his employee might disclose sensitive information and later on end up competing with the business. He asked whether it was possible to create a binding non-compete and non-disclosure agreement.



A non-compete and non-disclosure agreement serves two related purposes. The non-compete section restricts an employee, contractor, or business partner from entering into competition with the company for a defined period and within a defined geographic area after the relationship ends. The non-disclosure section prevents that person from sharing or misusing confidential information, such as trade secrets, client lists, or proprietary methods. Together, these agreements are designed to protect a business's relationships and sensitive information while ensuring that knowledge gained in one setting is not used to undermine the enterprise.

In secular law, such agreements are common. In halacha, however, a standard *kinyan* cannot take effect on a promise not to do something (such as not to compete or not to disclose). Without a *kinyan*, it would be difficult to argue that the agreement is halachically binding.

There is, however, a halachic mechanism that provides a solution. By creating a conditional debt, one can stipulate that if the agreement is upheld, the debt is null and void, but if the agreement is breached, the debt becomes collectible. In this way, the debt serves as an enforceable penalty, ensuring that the agreement is binding in halacha. Care must be taken to draft the terms properly, avoiding issues such as *asmachta*, but with the correct formula such documents can be structured in a halachically valid way.

#### GIFTS AND RIBBIS

Another question involved the halachic implications of delayed gifts. Six months after his nephew's bar mitzvah, an uncle finally brought a present. To compensate for the delay, he chose to give a larger gift than he otherwise would have. He explained this to his nephew so no one would question why he received a larger present than his siblings. The explanation concerned his nephew: what about *ribbis*?



In this case, the larger gift is permitted. A nephew is not owed a present; no debt exists. Without a debt, there is no concern of *ribbis*.

If, however, the uncle had told his nephew to purchase a *sefer* for \$50 with the promise of reimbursement, and later gave him \$75 because of the delay, this would be *ribbis*. In that scenario, a true debt of \$50 existed, and adding more due to lateness would constitute prohibited interest.

The Mishnas Ribbis extends this concept to a case where someone lent his grandson money. He explained that he intended to bequeath to all his grandchildren a certain amount of money. However, he will deduct the amount of interest that is usually charged for such a loan from the portion he intended to leave that grandchild. Since the grandfather does not owe anything to his grandchildren, and the grandchild is not required to pay interest to his grandfather, such an agreement is allowed.

### RESTRUCTURING LOANS INTO /SKAS

Another area of frequent inquiry concerns loans that were not originally structured under a *heter iska*. In one instance, a man lent money to a friend, drawing from his own line of credit. The loan was intended to be short-term, but it remained unpaid, leaving him responsible for ongoing bank interest. He asked whether it was possible to convert the loan into a one according to the terms of a *heter iska* to avoid carrying the cost moving forward.

The answer in that situation was that restructuring is possible, but not by simply signing a form or making a declaration. To restructure a loan halachically to be governed by a *heter iska*, the original loan must first be repaid, and a new loan issued under the proper terms.

This can be accomplished in different ways. If the borrower owns a home or another asset, he can transfer it to the lender through a *kinyan* to settle the original debt, then repurchase it — thereby creating a new loan governed by a *heter iska*. Alternatively, if no such asset exists, and the borrower is planning to purchase a business or property, the transaction may be structured in a way that allows it to form the basis for a valid *heter iska*. Each situation may be different and requires careful halachic guidance, but the mechanisms are available.

### KEEP THE CHANGE?

While visiting another city, someone bought a small \$13 gift. He paid with a \$20 bill and received change. Only when he got home and cleaned out his pockets did he realize he was given too much. Would he now be required to travel back to the store to return the extra change?

According to *halacha*, money mistakenly given by a storekeeper is treated as a lost object. One is not obligated to travel to the store to return the money to the owner. Instead, he must notify him that he has money belonging to the store, and return the money if and when the owner comes to claim it.

### CONCLUSION

These are just a few of the halachic dilemmas that arise in the modern marketplace. Contracts, loans, and even everyday acts of kindness must be shaped with both legal and halachic integrity.

*At the Halacha Institute of Toronto, we address these challenges daily. To read more practical halachic insights like these, follow Yosef Dovid Rothbart and the Halacha Institute of Toronto on LinkedIn, where we regularly post accessible discussions of business, finance, and halacha.*

#### RABBI YOSEF DOVID ROTHBART

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OF THE RABBONIM OF H.I.T.**

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# A Heated Debate:

## Pasteurization and Stam Yayin



BY RABBI YECHIEL TEICHMAN

**S**hulchan Aruch<sup>1</sup> rules that kosher wine which has been cooked and then touched by a non-Jew is not subject to the prohibition of *stam yayin* and remains permitted to drink. In halachic sources, “cooked wine” refers to wine that has been boiled or heated until its taste noticeably changes, lowering its quality compared to uncooked wine. In earlier times, this was unusual and produced a distinct flavor.

Pasteurization, however, is a modern process in which wine or grape juice is briefly heated to a relatively low temperature — just enough to kill bacteria and stabilize the product — and then cooled immediately. Unlike traditional cooking, pasteurization does not generally alter the taste in a way noticeable to the average consumer.

This raises the question: can pasteurized wine, which is heated but without a perceptible change in taste, be considered

“cooked” wine in halachic terms? Many *poskim* in Eretz Yisrael adopt a stringent approach, while the prevailing custom in *Chutz La’aretz* — following the ruling of Rav Moshe Feinstein<sup>2</sup> — is to be lenient, as long as the pasteurization temperature is above *yad soledes* 175 F. In this article, we will explore the sources and reasoning that may underline these divergent practices.

The Gemara in Avodah Zarah offers two explanations for why Chaza”l forbade *stam yayin*. In one place<sup>3</sup> the prohibition is described as serving as a safeguard against intermarriage, and elsewhere<sup>4</sup> it is framed as a *gezeira* of *yayin nesech*. The Rishonim discuss how to reconcile these two rationales.

Tosafos<sup>5</sup> explain there was a single *gezeira*. The motivation was to prevent intermarriage, but rather than creating a new prohibition, Chazal extended the *issur* of *yayin nesech* to include any wine

touched by a non-Jew. Consequently, the prohibition was not limited to drinking the wine (as by *pas akum*), but also included a ban on deriving benefit (*hana’ah*).

The Rashba, however, understands there were two separate *gezeiros*. Initially Chaza”l prohibited drinking *stam yayin* as a safeguard against intermarriage. Later, a subsequent *beis din* saw that non-Jews were using wine for idolatrous libations and extended the prohibition to include *hana’ah*, out of concern for idolatry.

The Tur cites the Rashbam, who argued that since non-Jews in his day are no longer accustomed to pouring libations, wine they touch should not be subject to the prohibition of *hana’ah*. The Darkei Moshe explains that this *kula* can only be understood within the Rashba’s framework of two *gezeiros*: since the *issur* of *hana’ah*



was predicated on the prevalence of libations, once that practice ceased, the *gezeira* was relaxed. However, according to Tosafos, who maintain that there was a single *gezeira* to prevent intermarriage, there is no basis to relax the *issur* now-a-days. The Rema rules that in cases of financial loss one may rely on the Rashbam.

The Tur writes that cooked wine is exempt from the *gezeira* of *stam yayin*, since it is not the type of wine offered for idolatry, and therefore one may drink such wine. The Prisha explains that according to Tosafos, this reason alone suffices: because the prohibition was an extension of the prohibition of *yayin nesech*, cooked wine was excluded.

According to the Rashba, however, there were two stages to the *gezeira* – one motivated by intermarriage – why should cooking the wine obviate that concern? The Rashba answers that cooked wine tastes different (*nishtaneh ta'amo*) and was, therefore, not included in the *gezeira*. The Rosh offers another reason: because cooking wine was unusual, Chaza"l did not

include it in their *gezeira* (*milsa d'lo shicha lo gazru bo rabanan*).

Although Tosafos, the Rashba, and the Rosh all explain why cooked wine was precluded from the *issur* of *stam yayin*, their reasoning may yield practical differences. Rav Elyashiv Zt"l<sup>6</sup> argued that it is possible the Rosh's explanation would not apply to pasteurized wine. Now-a-days, pasteurizing beverages, including wine and grape juice, is routine, and therefore it is not likely considered *milsa d'lo shicha lo gazru bo rabanan*. Rav Shlomo Zalman Aurbach Zt"l<sup>7</sup> similarly noted that the Rashba's reason would not apply to pasteurized wine, for pasteurization does not noticeably change the taste of the wine, and since it is not *nishtaneh ta'amo*, the *g'zeiras* of *chasnus* is still relevant, and pasteurized wine would be *assur b'shtiya*.

With this background, we can better understand the different approaches to pasteurized wine. The *poskim* who adopt a stringent stance do so in deference to the explanations of the Rosh and the Rashba.

The lenient custom in Chutz La'aretz, however, follows the approach of Tosafos: as long as the wine is unfit for idolatrous libations, it falls outside the prohibition. It is therefore unnecessary to invoke the additional reasons of the Rashba or the Rosh to permit it. Even if their rationales do not apply to pasteurization, Tosafos' framework suffices to allow such wine. Since *stam yayin* is a rabbinic prohibition, communities abroad were willing to rely on this leniency.

**RABBI YECHIEL  
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*Rabbinic  
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שם	5	יו"ד קכ"ג	1
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מנחת שלמה ח"א סי' כ"ט	7	ל, ב	3
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## Drinking in Non-Jewish Gatherings



**A** less well-known halacha is that one may not drink alcoholic beverages – even *yayin mevushal* – in a gathering of non-Jews. This applies both to drinking in non-Jewish establishments and at private gatherings, unless the majority of participants are Jewish.

The Mechaber rules that this prohibition extends to all types of beer. The Rema, however, is lenient with grain beer and honey mead, reasoning that the common beer in the Gemara's time was made from dates, and only that beer was included in the prohibition. Since other beers were not prevalent then, they were never included by Chaza"l in the prohibition. The Gr"a and Pri Chadash, following the Mechaber, are strict with all types of beer. The later authorities note that it is praiseworthy for one who is meticulous to adopt this stricter view.

Certain practical leniencies are discussed by the *poskim*. One may purchase beer from a non-Jew to take home, and some allow drinking it immediately outside the establishment. The Pri Chadash permits casual drinking to quench thirst, provided it is not habitual. The Shach rules that if refraining would cause animosity – for example, at a non-Jewish inn where declining a drink would arouse hostility – one may drink. This *heter* has been extended to other situations where refusing would generate resentment.

However, this leniency may not apply in all cases. The Taz notes that the Gemara derives from a *pasuk* a specific prohibition against attending non-Jewish wedding celebrations. Since the Torah itself forbids participation in such gatherings – to create distance and prevent intermarriage – it cannot be permitted on the grounds of animosity. On the contrary, drinking at such celebrations fosters closeness and may lead to intermarriage, which is precisely what the Torah sought to prevent.





# IN THE COMMUNITY



Rabbi Matis Stebben at an event together with mashgiach Moshe Fried



Rabbi Oziel, Rabbi Felder, Rabbi Kaufman, and Rabbi Heber at the Yarchel Kallah for Rabbonim arranged by COR



Rabbi Dovid Laufer with Matt Swarz from Canada Smoked Fish



Rabbi Felder, Rabbi Rothbart, Rabbi Ferman and Rabbi Abeles at Baycrest working on a Kohen Initiative



Rav Hershel Schachter visiting with the COR Rabbis at the COR office



Richard Rabkin speaking at Yeshiva Gedolah Zichron Shmayahu



Rabbi Felder together with the other executive members of the Association of Kashrus Organizations (AKO)



Rabbi Avrohom Lowinger lighting a pilot light



Rabbi Dovid Rosen speaking at EC Camps



Rabbi Moshe Biller in transit from Israel through Egypt