

Does Milk Need a כשר לפסה Label?

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This paper was adopted by the CJLS on June 5, 1985 by a vote of five in favor, eight opposed, and one abstaining (5-8-1). Members voting in favor: Rabbis Kassel Abelson, David M. Feldman, Morris Feldman, David H. Lincoln, Judah Nadich. Members voting in opposition: Rabbis Jacob B. Agus, Mayer E. Rabinowitz, Barry S. Rosen, Joel Roth, Morris M. Shapiro, Seymour Siegel, Gordon Tucker, Alan J. Yuter. Member abstaining: Rabbi Isidoro Aizenberg.

שאלה

Does milk purchased for *Pesah* in an unopened container need a Kosher for Passover label? Does the answer depend on when the milk is purchased?

תשובה

It is often stated that milk purchased prior to *Pesah* in a sealed container does not need certification that it is כשר לפסה. However, if purchased during the festival, it does need a כשר לפסה label.

The distinction is advanced on the application of בטל בשישים. If purchased by a Jew prior to the holiday, this general rule applies and therefore even if the milk contained some small amount of חמץ, it is negated by a quantity sixty times its volume. This rule of בטל בשישים, however, is not applicable during the holiday when even the tiniest amount – אפילו משהוא – cannot be negated.

In early times, milking was done by hand and it was possible that the pail used for milking for *Pesah* was used throughout the year and possibly for purposes other than milking. The possibility also existed that the farmer, during the process of milking, may have been eating some food, and inadvertently dropped some crumbs into the milk.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

The purchase of the milk by a Jew prior to the holiday would cancel the חמץ by the application of the general rule of בטל בשישים. This rule could not be applied if the milk was purchased during the holiday. Therefore the ruling that milk purchased prior to *Pesah* did not need a כשר לפסח label. However if purchased during the festival, competent authority was needed to attest to the total absence of חמץ to permit it to be used for *Pesah*.

Modern technological advances in the production of milk have completely negated any suspicion of חמץ that may have existed when milking was done by hand. Modern techniques are so highly developed and supervised as to completely eliminate the possibility that any foreign object is present in the milk. It is beyond a ספק ספקא – trace of doubt – to imagine that even a tiny fragment of חמץ could have fallen into the milk. The machines, although used throughout the year, are used exclusively for the milking process, unlike the pails of old which were often used for functions other than milking.

Another question, however, remains regarding the feeding of חמץ to the animal during the holiday. Milk production by the cow is dependent on its food intake, which often includes foodstuffs containing חמץ owned by a non-Jew on *Pesah*. Rabbi Moshe Feinstein considers the many ramifications of this issue and concludes:

שהחלב של בהמת נכרי שאכלה חמץ אין להחמיר אף לבעלי נפש כיון שאף להרמ"א אין מקום לאסור. זהו הנלע"ד בסוגיא זו להלכה וגם למעשה.

There is no need to be stringent regarding the milk of a gentile's animal which ate חמץ, even for human use, since even Rabbi Isserles found no reason to forbid it. This is my humble opinion on the topic for both law and application.¹

CONCLUSION

Milk may be purchased in a sealed container before or during *Pesah* without a כשר לפסח in label.

NOTE

1. R. Moshe Feinstein, *Iggrot Moshe*, *Orah Hayyim* I, 147 p. 249 (and see the end of p. 261).