

# Chalav Yisrael

## Sources, Laws, and Practical Applications

**Sponsored anonymously in honor of our Rebbe, our people, and our Torah. May we strengthen our faith and heal from within, and may Moshiach come now!**

Parsha Halacha is underwritten by a grant from Dr. Stephen and Bella Brenner in loving memory of Stephen's father, Shmuel Tzvi ben Pinchas, and Bella's parents, Avraham ben Yitzchak and Leah bas HaRav Sholom Zev HaCohen

To sponsor or subscribe, please email [rabbicitron@hotmail.com](mailto:rabbicitron@hotmail.com)

In the Torah portion of Re'eh we learn about the prohibition of mixing milk and meat, as it says (Deut. 14:21), "You shall not eat a carcass (*neveila*), give it to the stranger in your community to eat, nor you may sell it to a foreigner. For you are a people consecrated to the L-rd, your G-d. You shall not boil a kid in its mother's milk." Our sages ([Chullin 113a](#) and on) understood the word "kid" to refer to all (kosher) animals and "mother's milk" to be referring to all (kosher) milk. The fact that the verse is repeated three times in the Torah (here as well as in Parshat Mishpatim and Ki Tissa) teaches us that cooking, eating, and benefitting from such a mixture are all forbidden.

The Talmud ([Bechorot 6b](#)) cites this verse as a possible source for the fact that generally one may consume the milk of a kosher animal. This is true despite the fact that milk comes from a living animal and it is forbidden to consume parts of a living animal. In addition, since the blood of an animal is transformed into milk within the udder, one might conclude that milk should be forbidden as a "blood product." But since the Torah only forbids the *mixture* of milk and meat, it is understood that milk is otherwise acceptable.

In the end, the Talmud rejects this proof but cites three other verses from which we infer the permissibility of consuming milk of a kosher animal.

- **Milk for the Generals**

Yishai, the father of David, told his son to bring "ten cheeses to the captain of their thousand" (i.e., the generals in King Saul's army [Samuel I 17:18]). These were clearly being sent for consumption.

- **Flowing with Milk and Honey**

In many places the Torah describes the land of Israel as a “land flowing with milk and honey” (Exodus 3:8 and many other verses). Certainly milk must be permissible to consume because, if it were not, why would the Torah praise Israel with this product?

- **Come Buy Milk**

When exhorting the people to study Torah, the prophet Isaiah said ([55:1](#)), “Let all who thirst come for water, even if you have no money; Come, buy food and eat. Buy food without money, and wine and milk without cost.” From the context, we see that milk is a permissible drink just like water, (kosher) wine and milk.

### **Milk of a non-Kosher Animal**

The milk of a non-kosher animal is forbidden ([Yoreh De’ah 81:1](#)). This is derived (Bechorot ibid) from the fact that the Torah says twice that a camel is forbidden ([Levit 11:4](#) and [Deut. 14:7](#)). The repetition comes to include the milk of the camel and the same applies to all other non-kosher animals. Some say it is derived from the extra word “et” (אֶת הַגִּמְלָה). According to Rabbi Shimon the repetition of the word “camel” is to include an animal that resembles a camel that is born to a kosher animal. The sages, on the other hand, do consider such a creature to be kosher.

### **Cholov Yisrael**

The sages were concerned that if a Jew were allowed to buy milk from a gentile, the gentile may mix in some milk of a non-kosher animal without informing the Jew. They did not fear that a gentile would sell non-kosher milk claiming that it was kosher, because the colors of kosher and non-kosher milks are different [[Avodah Zarah 35b](#)]. As such, they decreed that a Jew must be present when a gentile milks his cows (or other kosher livestock) in order to ensure that no such mixture takes place, as the Mishnah says ([Avodah Zara 35b](#)), “And these are items that belong to gentiles and are prohibited... Milk that was milked by a gentile and a Jew did not see him.”

### **Three Perspectives**

There are differing perspectives in the commentaries as to the scope of this decree:

- **Rabbinic Alert to Watch out for Non-Kosher Milk**

The Pri Chadash ([115:6](#)) says that the sages did not make a decree per se against drinking milk of a gentile. They simply alerted us to the possibility that there may be a mixture of non-kosher milk and instructed us to ensure that this doesn’t happen. As such, in a situation where it is extremely unlikely that there is any mixture of non kosher milk, it is not necessary for a Jew to be present at the milking. An example of this would be if there are no milk-producing animals in a city or if the milk of the non-kosher animals is more expensive than the milk of the kosher animals which would remove any incentive to mix it into kosher milk.

- **Rabbinic Enactment to Ensure no Non Kosher Milk**

Others say that the rabbis enacted a Rabbinic decree that even if there is a remote possibility of a mixture of non kosher milk that this, too, should be forbidden. They therefore insisted that a Jew be present at the mixing even if there are no non-kosher animals in the city (as far as we know) as there may be one that we are not aware of. Similarly, even if the non-kosher milk is more expensive, it is possible that the non-Jew may have mixed it in for some reason. However, in a case when there is no such possibility, the milk is permissible even if a Jew did not actually witness the milking. As an example of this, if there was no non-kosher animal in a gentile's herd it would be sufficient for a Jew to sit outside and ensure that no milk is brought in from elsewhere. Under such circumstances, the Jew would not have to witness the actual milking (Beit Meir, Chochmat Adam, 67:1 and Aruch HaShulchan 115:5).

- **Actual Witness Necessary in Order to Render it Kosher**

The Chatam Sofer (Y.D. 107 cited in Pit'chei Teshuvah 115:3) writes that in order to ensure that no non-kosher milk is added, the sages decreed that a Jew must be present at the time of the milking. If a Jew is not present at the milking, the milk is considered not kosher even if there is no possibility of any non-kosher mixture.

### **Milked in the USA: The Opinion of Reb Moshe Feinstein**

Rabbi Moshe Feinstein wrote (Y.D. 1:47-49) that in countries such as the United States where the government oversees the dairy industry and fines them for any breach of their legislation, it is not necessary for a Jewish person to oversee the milking in the dairies that are under government supervision, in order for it to be considered Chalav Yisrael. In his opinion, the government oversight is a strong proof that the milk is kosher and it can be considered as if a Jewish person were standing there. As such, this milk would be considered Chalav Yisrael. He brings several examples where absolute knowledge is equivalent to actually seeing:

- For the purposes of marriage, if witnesses see a couple alone in a private area, we consider them to have been witnesses to the consummation of the marriage although obviously they do not see this.
- Some say that a conversion can be completed if a beit din (Jewish court) is aware that the convert immersed in a mikvah even if they didn't witness it (see [Tosfot D.H. Mi Lo Tavla in Bechorot 54b](#)).

### **The Traditionalists**

Other authorities dispute his opinion (see Chelkat Ya'akov 2:37-38 and Minchat Yitzchak 10:31 ot 15) and say that in order for milk to be Chalav Yisrael, a Jew must actually witness the milking. Their reasoning is as follows:

- As mentioned above, the Chatam Sofer is of the opinion that the rabbis decreed that a Jew must actually see the milking and that even 100% knowledge that the milk is from a kosher animal is insufficient. This view is clearly at odds with that of Rav Moshe.

- The second opinion mentioned above (the Beit Meir and Chochmat Adam) holds that in order for the milk to be considered Chalav Yisrael, we must be 100% certain that it is from a kosher animal. If there is even a remote possibility that the gentile may have mixed in non-kosher milk, it is forbidden. As such, since it is possible, however unlikely that a company might risk a fine and mix in non-kosher milk, such milk should be forbidden unless a Jew oversees the milking.

For the rest of this article the term “Chalav Yisrael” refers to milk that is milked in the presence of a Jew as per the traditional interpretation.

### **In Practice: Qualification**

Many Jews in Western countries accept Rav Moshe Feisntein’s lenient opinion. However, there are several caveats to Rav Moshe’s opinion, based on his own writings.

- **One who is Strict**

Rav Moshe writes that a *Ba’al Nefesh* (one who is strict in matters of Torah law) will refrain from drinking milk that doesn’t have Jewish supervision. In another source (vol. 2:35), Rav Moshe advises that *Benei Torah* (Torah scholars) should be strict about this matter.

- **Schools**

Rav Moshe writes that it is proper for Jewish schools to spend the extra money on buying milk that was supervised by a Jew where it is available. The reason for this is that the children should be educated to observe mitzvot in the best possible manner. Although this costs more than ordinary milk, it is worth spending the extra money to teach them this valuable lesson (ibid).

- **When Easily Accessible**

In another letter (cited in Chelkat Binyamin on Y.D. 115:16) Rav Moshe writes that in a place where it is easy to purchase traditional Chalav Yisrael products, one should do so even if it involves some extra bother and cost. See also [here](#).

### **Using Dairy Equipment**

According to Rav Moshe Feinstein, one who is “strict” and only consumes Chalav Yisrael products (in Rav Moshe’s opinion this is a stringency) should not use pareve products that are processed on non Chalav Yisrael equipment (Igrot Moshe Y.D. 2:31). For this reason the OU does not have a hechsher called DE (i.e., pareve with dairy equipment). Rather, if such equipment is used, they simply write OUD as those who do not consume non Chalav Yisrael should not consume these products either.

Rav Yaakov Kaminitzky was of the opinion that even those who are strict (in his opinion this is a stringency) and do not consume dairy that was not supervised by Jewish people may be lenient and use utensils that were used with such products (Emet L’Yaakov pg. 308 quoted [here](#)). This is based on the Rama in [Y.D. 64:9](#) who permits using utensils that were used with a product that some consider forbidden. See Responsa Yechave Da’at 5:32 for an explanation of this ruling.

See [here](#). The OK and other kashrut agencies rely on this opinion and classify such products as DE.

### **Chassidic Custom**

The accepted Chassidic custom (including Chabad) is to follow the stricter opinions mentioned above and only consume milk that was milked with a Jew present. In addition since they consider this the halacha (letter of the law) rather than a stringent position they also do not consume food cooked in non Chalav Yisrael utensils.

### **Ten Days of Repentance**

During the Ten Days of Repentance between Rosh Hashana and Yom Kippur, it is proper to go beyond the letter of the law and be strict about Halachic issues about which one is usually lenient (see O.C. 103 and Chayei Adam 143). We hope that, in this merit, G-d will judge us favorably “beyond the letter of the law.” After the Ten Days of Repentance one is not obligated to maintain these stringent positions as it is self understood that they were accepted only for a limited time (see Beit Yosef on O.C. 403). As such, even one who generally follows the lenient position of Rav Moshe might consider being strict about it during these days.

### **Sefardic Custom**

The contemporary Sefardic poskim (halachic authorities) rule that one should follow the strict opinions and not consume non Chalav Yisrael products (Rav Ovadiah Yosef in Yechave Da’at 4:42 and Rav Mordechai Eliyahu quoted [here](#)).

### **Powdered Milk**

Some say that powdered milk - the milking of which was not supervised by a Jewish person - is acceptable even according to the strict opinions mentioned above (Har Tzvi 103 and 104). Their reasoning is that the decree of the sages was made only on actual milk but not on an altered milk product. This opinion is accepted by the Chief Rabbinate of Israel. Thus when purchasing a dairy product with a hechsher of the Chief Rabbinate of Israel one should be aware that they accept this leniency. The ingredients of such products list “*Avkat Chalav Chu*”/powdered milk from the diaspora” as an ingredient.

Others disagree and say that since powdered milk can be made from non-kosher milk, it is included in the decree of Chalav Yisrael (Rav Yonatan Shteif in Siman 159). It is proper to be strict in this matter (Chelkat Binyamin 115 Biurim D.H. Chalav Shechalvo).

### **Strengthens One’s Belief**

The Previous Lubavitcher Rebbe recounted a story ([Sefer Ma’amarim Yiddish pg. 57](#)) from which it is evident that drinking Chalav Akum (i.e., non Chalav Yisrael milk) is detrimental to one’s belief in G-d. It happened once that a Chassid came with his son-in-law to the Alter Rebbe

in Liozhna. He cried to the Alter Rebbe that his son-in-law, who was a great Torah scholar and had been a pious Jew, was suddenly having doubts about his belief in G-d. This was causing the family (and the son-in-law himself) great suffering. The Alter Rebbe informed them that the man had inadvertently consumed Chalav Akum and because of that, he was having doubts in *emunah* (matters of faith). The Alter Rebbe then gave a path to rectify the sin of consuming Chalav Akum. When the man followed this path, his doubts disappeared. The Rebbe adds (Sha'arei Halacha UMinhag 3:37) that here in America where many young people are exposed to heretical beliefs, it is especially important to be careful regarding this matter.

### **Butter and Cheese**

The laws of butter and cheese are different than the laws of milk. G-d willing, we will discuss them in another article.

**May We All Merit to Strengthen our Belief in G-d!**

**Wishing you a Shabbat Shalom UMevorach and a Chodesh Tov!**

**Copyright 2020 by Rabbi Aryeh Citron**