



# Kosher Milk

## CHALAV NOCHRI / MILK PRODUCED BY NON-JEWS

Our Sages decreed that milk that was produced by a non-Jew is prohibited out of concern that the non-Jew might mix in non-kosher milk. The *Mishnah (Avodah Zara 2:6)* explains that the only acceptable way for a non-Jew to produce milk for Jews is if a Jew was supervising the milking process, or if a Jew was in close enough proximity that the non-Jew would be caught if he added non-kosher milk. According to *halachah*, even if the non-Jew was milking for a Jew and was aware of the prohibition of drinking non-kosher milk, the decree stands and the milk is prohibited (see Beit Yosef *YD 115*).

There is a debate among later authorities regarding the basis of this decree. Does the decree apply if one is certain that no other milk was added? According to the Ridbaz (*Responsa 4:75*), there was no general decree. Rather, if there is suspicion that non-kosher milk was mixed in, the milk is prohibited. Thus, on a specific farm where there are no non-kosher animals, the milk is permitted. The Pri Chadash (*YD 115:6*) is even more lenient, ruling that in a city where non-kosher milk is expensive or rarely consumed, all milk produced by non-Jews is permitted, based on the extremely low probability of other milk being mixed in.

Most *Poskim* over the last two hundred years have completely rejected these opinions

(Darchei Teshuva *YD 115:6*, Zivchei Tzedek *YD 115:12*). The consensus is that our Sages made a decree across the board, and that all milk that does not have some type of Jewish supervision is prohibited (see Aruch Hashulchan *YD 115:5-6*).

## CHALAV STAM / "STAM" MILK

Rav Moshe Feinstein wrote several significant responsa regarding milk under government regulation (*Igrot Moshe YD 1:47-49*). He maintained that the strict government prohibition on mixing unauthorized ingredients into milk and the severe fines if one were caught is enough to ensure that the milk is not *chalav nochri*. Rav Moshe explains that in many areas of *halachah*, if one has an undoubtable proof of a certain scenario, it applies in all areas of that *halachah*. According to this perspective, there is no intrinsic need for a Jew to see the milking process, but only the requirement that the non-Jew would be fearful to add non-kosher milk. In short, Rav Moshe argues that tightly monitored inspection is equivalent to Jewish supervision. Over the years, government-regulated milk has been termed "*chalav stam*", or "factory milk."

Aside from those *poskim* who disagree with Rav Moshe's ruling (*Chelkat Yaakov 2:37*, *Minchat Yitzchak 2:21*), there has been much subsequent discussion regarding what Rav Moshe practiced himself. Rav Moshe writes in his numerous responsa (*Igrot Moshe ibid* and *YD 4:5*) on this subject that a "pious person" should be strict, despite the clear logic of his lenient ruling. Moreover, in other rulings, he states that institutions should try to serve students only *chalav yisrael* (*ibid 2:35*). On the



other hand, students of Rav Moshe have been quoted as saying that Rav Moshe was himself lenient in many cases, and many of his great students drink *chalav stam* without concern, maintaining that Rav Moshe saw his ruling as completely correct even ideally (*l'chatchila*). The OU, based on the rulings of Rav Soloveitchik, Rav Eliyahu Henkin and others, certifies *chalav stam*. It should be mentioned that based on research done by OU rabbinical coordinators, the standards of regulation and inspection over milk production have improved immensely in the last few decades. (However not all countries have such strict supervision. When purchasing milk products from other countries, a competent kashrut professional should be consulted.)

The Chazon Ish (*YD 41:4*) explicitly held a position like Rav Moshe. However, certain students of the Chazon Ish claimed otherwise (see *Teshuvot Vehanhagot 1:421*).

There are many halachic authorities who rule that there is still a firm halachic obligation or at the least an added stringency to only drink *chalav yisrael* products (see *Pesakim*

*Uteshuvot YD 115:5*).

There is new buzz regarding this *halacha* since the FDA's cessation of milk testing. This development has no impact whatsoever on the kosher status of "*chalav stam*" that Rav Moshe permitted in the US, as the primary oversight of farms and dairy factories is performed by state governments; the FDA is a mere secondary body for this purpose. Also, and much more importantly: The milk testing does not indicate the species of animal from which the milk was derived; the testing is done only to detect the presence of contaminants and additives, and to measure butterfat levels, whereas the basis for Rav Moshe's ruling is the prevalence of inspections, assuring that the milk is from cows only. Government milk testing is not part of this – only onsite inspections fulfill this task. There has been no change to on-site inspections which are still ongoing. ■

## Kashrut Questions in Israel?

Call or Whatsapp Rabbi Friedman at  
050-200-4432

**לבינסון רז ושות'** Lewensohn Raz & Co.  
משרד עורכי דין ונוטריון Law Offices & Notary

**Estates, Probate,  
and Inheritances\***

**Real Estate  
Transactions**

**Tama 38 and Renovation  
Construction Projects**

\* Durable Powers of Attorney for Health and Financial Matters



**Moshe Raz,**  
Adv. & Notary