



Dairy Bread in a Unique Shape

Our Sages decreed that one should not bake dairy bread, meaning bread made with dairy ingredients such as milk or butter mixed into the dough. Since dairy bread often appears identical to pareve bread, there is concern that it may inadvertently be eaten together with meat. Because bread commonly accompanies meals, *Chazal* viewed this as a significant concern.

Although Our Sages prohibited both the production and consumption of dairy bread, they also outlined certain exceptions under which dairy bread may be permitted.

THE SOURCE

The *Gemara* in *Pesachim* (36:b) states that when one makes dairy bread “*Ke’ein Tura*”, the bread may be baked and consumed. Early authorities dispute the meaning of this phrase.

Rashi explains that “*Ke’ein Tura*” refers to making only a small quantity of dairy bread. Since the bread will be consumed quickly, there is less concern that it will mistakenly be eaten with meat.

The *Rif* and *Rambam* understand the phrase differently. They explain that “*Ke’ein Tura*” refers to the shape of the bread. According to their opinion, dairy bread made in a unique

or distinctive form serves as a reminder that the bread is dairy and should not be eaten with meat. In halachic terminology, this reminder is known as a *heker* (a recognizable sign).

The practical difference between these opinions is significant. According to *Rashi*, only a small quantity of dairy bread may be produced regardless of its shape. According to the *Rif* and *Rambam*, even a large quantity may be made provided that the bread has a clearly distinctive appearance.

The *Beit Yosef* (YD 97) cites *Shaarei Dura*, who explains that these opinions are not necessarily disputing one another. Rather, each identifies a different method of preventing confusion between dairy and pareve bread. The *Shulchan Aruch* accepts this approach, and later authorities rule that either safeguard—a small quantity or a distinctive shape—is sufficient to permit dairy bread.

THE REQUIREMENT

OF A DISTINCTIVE SHAPE

The *Rashba* writes that the distinguishing feature of dairy bread must be highly noticeable—so noticeable that an observer would naturally ask about its unusual appearance. Accordingly, a minor color variation or small topping is insufficient. The entire loaf must possess a significant and recognizable difference.

This understanding is consistent with the words of the *Rambam*. In addition, the literal translation of “*Ke’ein Tura*” is “like the eye of an ox,” implying that the bread must appear substantially different from ordinary bread.



COMMERCIAL PRODUCTION OF DAIRY BREAD

The *Mahari't* (Responsa 2:18) writes that since the identifying feature must be obvious, the allowance granted by *Chazal* was intended primarily for private households or local bakers—not for mass commercial production.

Mahari't therefore rules that a bakery may not produce dairy bread even if it has a unique shape. Guests or unfamiliar consumers may not understand the significance of the shape and may assume that this is simply the bakery's standard style of bread, leading to accidental consumption of meat.

The *Pri Chadash* (YD 97:1) and *Chochmat Adam* (50:3) rule in accordance with the *Mahari't* and prohibit the public sale or distribution of specially shaped dairy bread.

The *Aruch Hashulchan* (97:8) and *Yad Yehuda* (97:7) largely agree with the *Mahari't*. However, they maintain that if it is commonly understood within a particular community that a certain shape indicates the bread is dairy, then mass production and sale would be permitted.

OU Kosher certifies numerous industrial and retail baked goods worldwide. OU Kosher follows the stricter opinion and does not certify dairy breads, even in cases where certain breads—such as brioche—are commonly known to contain dairy ingredients.

Consumers should be aware that some kosher certification agencies, both in Israel and elsewhere, do certify dairy breads based on the more lenient opinions or by relying on labels or stickers as identifying signs.

Individuals should consult their Rav regarding whether to purchase such products.

DESSERTS, PASTRIES, AND SWEET PRODUCTS

Mahari't (Ibid) further explains that the decree applies specifically to breads commonly eaten as part of a meal. Bread-like products generally eaten as desserts are not included in the decree.

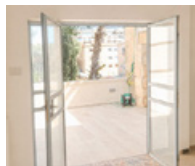
Mahari't specifically discusses bread like pastries filled with dairy sweets and explains that since these items are not normally eaten together with meat, there is no concern. According to this approach, such products were never included in the original decree regarding dairy bread and may therefore be mass-produced and sold even when they resemble ordinary baked goods.

Based on the rulings of *Mahari't* and other authorities, many pastries and sweet baked products are entirely unrelated to the prohibition of dairy bread and may be baked and sold without concern.

Donuts, cupcakes, cookies, and similar products are generally considered dessert items and are not commonly eaten together

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with meat meals. Therefore, there is no prohibition against making them dairy. Accordingly, one may bake dairy cakes, cupcakes, and even dairy *sufganiyot*. Such products are certified by OU Kosher with an OUD symbol.

Certain kashrut organizations in Israel require bakeries to notify consumers that donuts are dairy so that they are not eaten within six hours of consuming meat. While there is no formal halachic requirement for such labeling—since *Chazal* never enacted a decree regarding eating dairy pastries after meat—these organizations consider it an important safeguard due to widespread confusion between dairy and pareve pastries. Some certifications use identifying marks such as lines of powdered sugar or other visible indicators.

VISIBLE CHEESE OR MEAT FILLINGS

Poskim (see *Kaf Hachaim* 97:10) rule that when cheese or meat is clearly visible in a baked product, the visible filling itself serves as a *heker* (recognizable sign), and no additional distinction is necessary.

This is also evident from the ruling of the *Rema* (YD 97:1), who states that meat pies do not require a special shape because the meat filling is apparent.

Based on this principle, products such as pizza, cheesecake, deli rolls, and meat-loaf are permitted, since the dairy or meat

component is generally visible to the consumer.

BOUREKAS AND COMMON PRACTICE IN ISRAEL

In Israel, it is customary to make cheese bourekas in a triangular shape to distinguish them from pareve or meat bourekas. This is because the filling is concealed, like potato or meat-filled bourekas, unlike cakes or donuts where the dairy nature of the product is generally obvious (see Responsa *Vedarashata Vechakarta* YD 5:33).

There is discussion among the *Poskim* regarding whether homemade dairy or meat bourekas must also be formed in distinctive shapes to prevent them from being mistakenly eaten during the wrong meal.

In the coming weeks, we will continue to explore additional halachic issues related to the production and certification of dairy products. ■

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