E. Danger of Mixing Fish and Meat

In this section, we will learn the *halachos* of the prohibition of eating fish and meat together and whether one is allowed to use *fleishig* pot or pans to cook fish or grill it on a grill that was just used for meat. Additionally, we will discuss whether Worcestershire sauce, which contains anchovies, may be used as a meat marinade. At first glance, it seems from the *sugya* above that the only issue is whether fish cooked in a meat pot may be eaten with cheese, but everyone agrees that the fish may be eaten on its own, even though it was cooked in a meat pot. However, it could be that the Gemara was discussing only the issue of נ"ט בר נ"ט and not the possible סכנה – the danger of eating meat and fish together. As usual, we will begin with the earliest sources and work our way down to the modern-day *posskim.*

The עו) **גמרא פסחים**:) discusses the *sugya* of "ריחא מילתא היא" – whether the smell/aroma of a food is considered like the food itself. It is clear that you may not cook meat and milk together, but there is a dispute in the Gemara whether you may bake them in separate trays within the same oven in a manner that only their aromas mix. The S"A in **סימן קח-א** *passkins* that *le'chatchilla,* it is forbidden to create a mixture of ריחא, but *be'dieved,* if the foods were cooked in the same oven and there was a fusion of aromas, the food is permitted.[1] The above **Gemara** (20) adds that according to the opinion that ריחא מילתא היא, fish and meat baked in the same oven may not be eaten because the mixture of fish and meat aroma causes bad breath and *tzara'as.* It can be inferred from the Gemara that since the opinions only disagree concerning a case of **baking** fish and meat together, presumably both opinions would agree that **cooking** fish and meat together, which fuses their flavors (and not just their aromas, as with baking) is certainly forbidden due to concern for bad breath and צרעת.

This conclusion 21) (חולין תשנ) **מרדכי**) *passkins* that you may not eat fish that was cooked with meat, nor may you eat fish and meat together (even if they were not cooked together). However, you are allowed to eat fish and then meat without washing your hands and mouth in between. The 22) (יו"ד קטז) **טור**) *passkins* that eating fish and meat together can cause *tzara'as* and some are even stringent to have separate set of dishes for fish. He notes that his father, the ר"אש, argues on the מרדכי and would wash his hands and mouth in between eating fish and meat.

[1] Assuming there is no issue of זיעה (i.e., the steam did not mix).

The S"A in 23) **סימן קטז-ב**) *passkins* that one may not eat meat and fish together, and the *Rama* adds that one should also avoid baking them in the same oven (even in separate pans) because of ריחא, but if one did, they are permitted. The ב) **ט"ז**) explains that we are lenient after the fact only when they were baked together, where the only possible issue is ריחא, but if they were cooked together, they are forbidden.

The S"A in 23) **סעיף ג'**) there and in או"ח סימן קעג-ב *passkins* like the **טור** that one must wash his hands in between eating fish and meat or meat and fish. The *Rama* writes that the common custom is not to wash one's hands or mouth, but it is preferable to eat and drink something in between them, which has the same effect as washing.

The 24) (קעג-א) **מג"א**) writes that today, "it is possible" that the danger of eating fish and meat no longer exists, as the situation may have changed over time and location. Rav Yochanan Wosner suggests in ח"ד-מח) **חיי הלוי**) that the מג"א was only lenient to permit eating meat and then fish without **washing** in between, but he would never allow **eating** them together. However, the ח"ב-נג) **דברי מלכיאל**) understands that the מג"א even allows eating meat and fish together, and although we do not follow the מג"א entirely, it may be relied upon as a צירוף.

In order to fully understand this *sugya* and answer the questions we opened with, there are two more points we need to learn: 1) May one cook fish in a *fleishig* pot? 2) If fish falls into a pot with meat, is it *batel b'shishim,* and if so, may one intentionally be *mevatel* it?

I. Cooking fish in *fleishig* pot

What is the *halacha* regarding cooking fish in *fleishig* pots? The ג) **ט"ז**) in our *siman* quotes the **מהרש"ל** that just like you may not cook meat and fish together, you may also not cook fish in a *fleishig* pot or pan. This is the ruling of the 22) **טור**) quoted above, who writes that one should have a special pot or pan designated for fish. He explains that although the Gemara of "דגים שעלו בקערה" only discusses whether fish cooked in a meat pan may be eaten with dairy, implying that the fish may be eaten by itself, that is because the Gemara was only discussing the *halacha* as it pertains to *basar b'chalav,* but in fact, the fish alone is also prohibited because of the danger involved. The **ט"ז** also quotes the **איסור והיתר**, who permits *be'dieved* if the fish was already cooked in a *fleishig* pan. He explains that we assume there is no סכנה from absorbed flavor, as is evident from the Gemara, which only discusses whether the fish may be eaten with dairy and assumes it may be eaten alone.

Lema'ase, the 25) (סק"ח ובציונים סקכ"ד) **בדה"ש**) *passkins* that the custom is to allow using meat pots for fish *le'chatchilla*. He explains that the או"ה himself allows only

in a *be'dieved* case because the pot might be dirty, but our *fleishig* pots are clean; therefore, one may cook fish in them *le'chatchilla*. For *Sephardim,* the (קטז-כ) **כף החיים** 26)) also permits cooking fish in a *fleishig ben-yomo* pot *le'chatchilla*.

II. Is fish *batel b'shishim* in meat?

The (קטז-ב) **ט"ז**) quotes a dispute between the איסור והיתר and the מהרי"ל: The **איסור והיתר** *passkins* that fish which falls into meat is *batel b'shishim,* just like any other prohibition. However, the **מהרי"ל** *passkins* that חמירא סכנתא מאיסורא – we are more stringent regarding danger than prohibitions. Just as venom from a snake is not *batel b'shishim,* so, too, fish mixed with meat is forbidden even if there is *shishim* against the fish. *Lema'ase,* the (קטז-ג) **פת"ש**) *passkins* that regarding fish and meat, the *halacha* of *bitul* does apply*,* and if fish falls into *shishim* of meat, everything is permitted.

Yet, there is still a question that needs to be asked: May you deliberately be *mevatel* a small amount of one that falls into the other? For example, if fish falls into your meat soup and there is not *shishim,* may you add more meat to be *mevatel* the fish?

The S"A in 27) **סימן צט: ה-ו**) *passkins* "אין מבטלין איסור לכתחילה" – you are not allowed to deliberately nullify a forbidden substance by dropping a small amount of it to a large amount of permitted food (e.g., adding a drop of milk[2] to your *cholent*). This applies to both biblically and rabbinically forbidden food. Furthermore, if biblically forbidden food accidentally falls into a small amount of permitted food, you are not allowed to add more permitted food to nullify the forbidden food. There is, however, a dispute between the S"A and *Rama* regarding rabbinically forbidden food that accidentally falls into a small amount of permitted food. The S"A allows adding more permitted food to nullify the prohibition, while the *Rama* forbids. For example, you may not intentionally pour a drop of milk into chicken soup (a mixture that is rabbinically prohibited) even if there is *shishim* in the pot against the milk. However, if some milk accidentally spills into the chicken soup and there is not *shishim*, the S"A allows you to add more soup to nullify the milk, while the *Rama* forbids.

What emerges from here is that both the S"A and *Rama* agree that you may not intentionally mix rabbinically forbidden food in order to be *mevatel* it; thus, everyone would agree you may not deliberately mix meat and fish with intention to be *mevatel* one. However, it would seem that if some fish accidentally became dissolved in meat

[2] It should be noted that רז"ת שו) רע"א) discusses whether adding milk to meat is in fact a case of אין מבטלין איסור לכתחילה since the prohibition of *basar b'chalav* only begins when there is a fusion of meat and dairy flavor, which never happened in this case. Nevertheless, we are using this as an example to easily illustrate the point of אין מבטלין איסור לכתחילה.

soup and there is not *shishim* in the soup, the S"A would allow adding more soup to be *mevatel* the fish (since the prohibition is only rabbinic), while the *Rama* would forbid.

Nevertheless, the 28) (קטז-ג) **פת"ש**) *passkins* that even the *Rama* would agree that you may be *mevatel* the fish that fell into meat soup (and it seems you may even be allowed to intentionally mix meat and fish to be *mevatel* one). He explains that the prohibition of "אין מבטלין איסור לכתחילה" applies only to prohibitions, but regarding danger, once the fish flavor is no longer tasted, the danger is *batel* and it is permitted. Therefore, once the taste of the fish is nullified, there is no longer a prohibition of meat and fish together. **Rav Ovadya** in 29) (ח"א-ח) יביע אומר) *passkins* like the S"A; accordingly, once meat and fish are mixed, you may certainly add one to be *mevatel* the other, even without accepting the understanding of the פת"ש within the *Rama*. Moreover, he quotes the ב-כד) או"ח) **עין יצחק**), who understands the S"A that deliberately being *mevatel* fish in meat or vice versa is also permitted.

To summarize:

- It is forbidden to eat meat and fish together (and certainly if they were cooked together) because of its dangerous consequences (i.e., foul smelling breath and *tzaraas*).
- Fish and meat should not be baked together in the same oven, but if they were accidentally baked together in separate pans, you may eat them, because only the aromas mix.
- **S"A** –You should wash your hands and mouth between eating fish and meat. ***Rama*** – although washing is not necessary, it is best to eat and drink something in between.
- **מג"א** – Today, the prohibition of mixing fish and meat may not apply.
    - **חיי הלוי** – the מג"א only permitted not washing hands and rinsing mouth in between.
    - **דברי מלכיאל** – the מג"א permitted even eating them together, and his opinion is used as a צירוף.
- The consensus among *acharonim* is that fish may be cooked in clean *fleishig* pots.
- The consensus among *acharonim* is that a fish and meat mixture can be *batel b'shishim* (though some are stringent because of the possible danger involved).
- Many *acharonim* allow actively being *mevatel* a fish and meat mixture (i.e., adding one of the two ingredients until there is *shishim* against the other).

Practical Applications

<u>Using pots, pans and grilling grate for meat and fish</u>

As mentioned above, most *posskim* allow cooking fish in *ben-yomo fleishig* pots and pans as long as they are clean. The same would apply to grilling – you are allowed to grill fish on a meat grate, as long as the grate is clean.[3] In fact, the או"ה ח"ג) **ילקוט יוסף** 30) (פז-פז) *passkins* that you may even grill fish and meat on the same rack, at the same time, as long as the grill is not covered. If the top is covered, that would constitute a case of ריחא, which is forbidden *le'chatchilla,* but if it was already done, the food is permitted.

Similarly, you would be allowed to cut salty/spicy herring with a *fleishig* knife because even though the sharp spices in the herring draw out the meat flavor from the knife, that is no different than cooking fish in a *fleishig* pot, which also draws out the absorbed flavor in the pot.

<u>Accidentally cooking meat and fish together</u>

If meat and fish are accidentally cooked together and there isn't *shishim* in one against the other (and there is no way to be *mevatel* one), the food is forbidden. What is the status of the pot? Does it need to be *kashered*? The קטז-ג) **פת"ש**) quotes the **תפארת למשה**, who *passkins* that the pot needs to be *kashered* because the dangerous mixture of meat and fish flavor is absorbed in the pot. This is different than cooking fish in a meat pot which is permitted, because the absorbed meat flavor in the walls of the pot is less potent, but when actual meat and fish are cooked together, the pot absorbs this dangerous flavor, and thus needs to be *kashered.*

Lema'ase, the 31) (ח"ד-קפט) **תשובות והנהגות**) *passkins* that no one follows this תפארת למשה who forbids the pots. Rather, he quotes others who maintain that all you need to do is wait 24 hours, and then you may use the pot. He adds that if it is hard to wait 24 hours, you can clean the pot, heat up water in the pot, and then empty the water. The next time you would cook in the pot (even immediately after emptying the water), the dangerous flavor in the pot is already weakened and will not cause any harm. Nevertheless, these solutions only work with meat and fish for two reasons. First, regarding fish and meat, it is possible that the danger exists only with a mixture of actual fish and meat and not their flavors. Second, the מג"א writes that perhaps the prohibition of mixing meat and fish does not apply today.[4] The קטז-יג) **כף החיים**) also *passkins* that if a pot is used to cook meat and fish, you may use it without *hag'alah* after 24 hours have passed.

<u>Fish that falls into soup</u>

[3] However, the OU adds: "In practice, however, since it is difficult to clean a grill, it is recommended that the same grill rack should not be used for meat and fish. Either the fish should be double wrapped in aluminum foil or separate grill racks should be used."

[4] This is in accordance with the דברי מלכיאל's understanding that the מג"א even allowed eating fish and meat.

There was once a husband whose wife asked him to place the *gefilte* fish into a pot of hot water on the fire. He didn't pay attention to which pot on the stove had hot water and instead accidentally dropped the fish into the pot of chicken soup, though he quickly realized and removed it. What is the status of the soup and fish?

Rav Wosner in 32) (עניני יו"ד עמ' פח **קובץ מבית לוי**) *passkins* that if the *gefilte* fish was frozen and you quickly removed it, everything is permitted. However, if it had begun to defrost, you need *shishim* against the entire fish, and if there isn't *shishim*, everything is forbidden. The 33) (ח"ד-מח:ה **שו"ת חיי הלוי**) adds that if meat juice falls on *gefilte* fish, the fish is always forbidden even if there is *shishim* against the juice. This would be similar to the *pssak* of the S"A in צ"א-ז that if milk falls on meat with crevices, the meat is forbidden because the milk penetrates the meat and remains in air pockets.

<u>*Le'chaim* in between fish and meat</u>

We learned above that according to the S"A (23), one must wash his hands and mouth in between eating fish and meat (and vice versa), and that according to the *Rama,* the *minhag* is not to wash one's hands or mouth, but it is best to eat and drink something in between. It seems that only eating and drinking is recommended according to the *Rama*, but washing hands is not necessary. In contrast, the **מאיר עוז** 34) (833 עמ' ח"ז-)) writes that the **חזו"א**, the ***Steipler,*** and **Rav Shach** would all wash their hands and also drink something in between fish and meat, often liquor. Today, many people have a custom to make a *le'chaim* between fish and meat and this, as well as the other customs mentioned, are all rooted in this *Rama* and S"A.

<u>*Kiddush* and Japanese restaurants</u>

At a *kiddush,* herring will often be served together with a *fleishig* cholent, or, if you are eating at a Japanese restaurant, you may be served sushi together with meat and chicken. We just learned that according to Sephardim, you must wash your mouth and hands in between eating them and according to the *Rama,* it is best to wash your mouth. But are you allowed to place fish and meat on the same table simultaneously?

Rav Yochanan Wosner in 35) (ח"ה נט:ז חיי הלוי) *passkins* that one is allowed to place fish and meat on the same table because one will certainly be careful not to eat them together, since it is dangerous to do so. Additionally, even the prohibition of placing meat and milk on the same table applies only to a table you are eating from, and not a serving table. Therefore, at a *kiddush* in shul, where the food is placed on a serving table, it would be permitted. However, the 36) (קטז סקל"ה **כף החיים**) argues that you are not allowed to place fish and meat at the table on which you are eating because we are worried that you might grab a piece of meat and then fish without washing in

between. Therefore, in his opinion, when ordering fish and meat at a Japanese restaurant, you must tell the waiter to first serve one and then the other. **Rav Ovadya** in יביע אומר (יו"ד ח"ו-ט) does not accept the *chumra* of the כף החיים. He allows placing meat and fish on the same table even when an individual is eating alone and plans to eat both.

Lema'ase, most are lenient, allowing meat and fish to be placed on the same table (using the מג"א as a צירוף), but one should be careful not to eat them together and to change utensils between them, because the utensils often have food residue (if you are certain the utensil is clean, you may reuse the same one).

Worcestershire sauce

Worcestershire sauce is a type of sauce containing anchovies (a type of fish) and is often marketed by the manufacturing companies as a meat sauce to be used when preparing meat dishes. Some Worcestershire sauces are marked with a *hechsher* followed by the word "Fish" and others are not. What's the difference? Should *kashrus* organizations be giving a *hechsher* to such sauce if it is marketed to be eaten with meat?

Rav Belsky, one of the *posskim* of the OU, *passkins* in 37) (פרק כג-א) **שולחן הלוי**) that if the sauce contains real anchovies at a ratio that is not *batel b'shishim,* an OU-Fish sign should be placed on the label. If the anchovies are *batel b'shishim,*[5] a plain OU sign may be used. For this reason, you may find two Worcestershire sauces, one with an OU-Fish label and one with a plain OU label, because the one labeled "Fish" has a percentage of fish that is not *batel b'shishim,* while the fish in the plain one is *batel b'shishim.*

Rav Belsky explains further that when the fish is *batel b'shishim,* we rely on the majority opinion that *bitul b'shishim*[6] applies to a fish and meat mixture, in conjunction with the opinion of the מג"א who permits fish and meat mixtures entirely. Therefore, a plain OU sign may be affixed to the packaging, though he adds that the ingredients should clearly note that the sauce contains fish so those who are *machmir* not to rely on *bitul b'shishim* for fish and meat due to possible danger will know not to use it with meat. When the anchovies in the Worcestershire sauce are not *batel b'shishim,* an

[5] Presumably, the fish is not tasted in this case.

[6] It seems from Rav Belsky's discussion that even though the anchovies were deliberately added, they are still *batel b'shishim.* This may be for one of three reasons. First, they were not mixed with meat, but rather with other permissible ingredients, and might ultimately not be used with meat. Second, even if the sauce is later added to meat, the intention when using the sauce was not to actively be *mevatel* them. Lastly, as noted earlier, it seems from the (פת"ש קטז-ג) quoted above that one may intentionally be *mevatel* something that is forbidden because of סכנה.

"OU-FISH" sign should be affixed to the packaging.[7] Rav Belsky writes that we are not worried that people will use it for meat (even if the sauce is marketed as a meat sauce), either because they will see the fish labeling or, even if they do use it with meat, they may rely on the מג"א who permits.

Based on what we learned above, there might still be a way to use Worcestershire sauce labeled OU-Fish with meat: If there is a way to determine the exact ratio of fish in the sauce, you would be allowed to add other ingredients to the sauce to be *mevatel* the fish and then use it with meat. Alternatively, if the Worcestershire sauce is added to a meat sauce, the meat sauce can combine together with the other non-fish ingredients in the Worcestershire sauce to be *mevatel* the fish element.

F. Washing Dishes – The Sugya

In this section, we will continue learning additional details from the *sugya* of נ"ט בר נ"ט, which will help us answer common questions that arise concerning washing *fleishig* and dairy dishes. For example, are you allowed to wash both *fleishig* and dairy dishes in the same sink? What if you accidentally wash a dairy dish in the *fleishig* sink? Do you need separate sponges? Do you need separate dishwashers? We will begin to learn the *sugya* from the earliest sources in the *rishonim* until the modern day *posskim*.

Before the advent of modern kitchens, dishes would be washed by heating up water in a pot and then scrubbing the dishes in that pot. In Jewish homes, there would be a large *fleishig* pot to wash the *fleishig* dishes and a large dairy pot to wash the dairy dishes (similar to *fleishig* and dairy sinks today). The 38) **טור**) quotes the **ספר התרומה** who *passkins* that if you accidentally rinse clean dairy *ben-yomo* utensils in a *fleishig ben-yomo* pot which is on the fire or off the fire but still hot, everything is forbidden; the water, the *fleishig* pot and the dairy utensils. However, if either the pot or the utensils

[7] The OU does acknowledge that some companies prefer to use an OU fish symbol consistently for all their Worcestershire sauces, even if the fish is *batel b'shishim* (similar to companies that prefer that all their products be labeled OU-D, even if they are only dairy equipment or *parve*, as discussed earlier in the notes).

are *eino ben-yomo,* everything is permitted (as will be explained below), unless food residue remains in one of the dishes. The **רא״ש** argues that if even the dairy utensils and *fleishig* pot are both *ben yomo,* everything is permitted if they are clean. But if one of them is dirty, everything is forbidden.

The S”A in **סעיף ג׳** *passkins* like the רא״ש and explains that when the clean *ben-yomo fleishig* dishes are accidentally[8] rinsed in a clean, *ben-yomo* dairy pot on a fire, everything is permitted because both the meat and dairy flavor in the water are נ״ט בר נ״ט. The meat flavor goes from the meat to the utensils and from the utensils to the water, and the dairy flavor goes from the dairy to the pot and from the pot to the water. When dairy and *fleishig* flavor meet in the water, they are both weakened and do not forbid the water. The S”A points out that if one of the utensils is dirty, everything is forbidden unless there is *shishim* in the water against the food remnants.[9] For example, if there is a bit of meat left on the utensils (and is not *batel b’shishim*), the meat flavor goes directly into the dairy pot and renders it *basar b’chalav,* whereby the water becomes forbidden and then the utensils.

The *Rama* argues and *passkins* like the ספר התרומה that if both the utensils and the pot are *benei-yoman,* everything is prohibited even when they are clean. The ח) **ט״ז**) explains that although the *Rama* permits נ״ט בר נ״ט in a *bedieved* situation (i.e., the case where dairy was mixed with *parve* food cooked in a *fleishig ben-yomo* pot), here there are two possible reasons why it is worse than נ״ט בר נ״ט. First, if the dairy pot touches the *fleishig* utensils, the flavor from each one goes directly into one another without being weakened in the water. This fusion of strong meat and dairy flavor renders the pot, water and dishes *basar b’chalav*. Second, even if the utensil does not touch the pot, when the *fleishig* flavor leaves the utensils, it immediately meets the dairy flavor from the pot before each flavor is fully weakened,[10] rendering the water *basar b’chalav* and thereby forbidding the utensils and pot.

[8] See ט) ש״ך), who writes that one may not *lechatchilla* wash clean dishes in a pot of the opposite type.
[9] If the clean utensil is *eino ben yomo,* then the other *kli* is permitted.
[10] Similar to נ״ט בר נ״ט בשעת בישול.