H. נותן טעם לפגם

In this section, we will learn the *sugya* of נותן טעם לפגם – when a cleaning agent such as soap is added to dishes in a way that renders any meat or dairy flavor defective. We will also discuss a number of practical applications, including the following: are you allowed to wash dairy and fleishig dishes in the same dishwasher if soap is added? Are you allowed to buy a coffee from Starbucks if they wash all the dishes together, including those used for non-kosher food, if soap is used in the cleaning process?

The S"A in **סעיף ד׳** writes that "it seems to me" that if ash was added to a vat of hot water before dirty dairy and *fleishig* dishes were placed inside, everything is permitted, because the ash is *pogem* (renders the taste defective) with respect to *basar b'chalav*.

The כא) **ש״ך**) writes that this *din* was made up by the S"A and is not mentioned in the Gemara or any of the earlier commentaries; even the S"A himself does not mention it in the בית יוסף. On the contrary, there seems to be proof against it from **Tosfos** in the גמרא חולין (ק. סד״ה בשקדם), as follows: Tosfos asks how *hag'alah* was performed in the *midbar* on *keilim* that were *benei-yoman,* according to the opinion that *chanan*[1] applies to all prohibitions. In essence, whenever *hag'alah* is performed on a *kli* that is *ben-yomo,* the non-kosher flavor leaves the pot and renders the water forbidden (i.e., the water becomes *chanan* according to the opinion that *chanan* applies to all prohibitions). Once the water is forbidden, it is reabsorbed into the *kli* and forbids it again. If so, Tosfos asks, how could the *hag'alah* have ever been effective? Tosfos therefore concludes that they could only perform *hag'alah* on small *keilim* in vats large enough to contain 60 times their volume. In such a case, when the small *kli* is submerged in the *hag'alah* waters, the flavor that leaves the *kli* is immediately *batel b'shishim.* However, if the *kli* is large and there is not *shishim* in the water against it, one would need to wait until the *kli* is *eino ben-yomo* and its flavor is *pagum* in order to *kasher* it. At that point, the *pagum* flavor that leaves during the *hag'alah* does not forbid the water and cannot re-forbid the *kli.*[2]

[1] This is an acronym for חתיכה נעשית נבילה, which means that whenever non-kosher food comes in contact with kosher food and there is not *shishim,* the entire piece of kosher food becomes intrinsically forbidden. For example, if non-kosher fat falls on a small piece of meat, the entire piece is forbidden, and if that piece subsequently falls into another pot of meat, *shishim* is necessary against the entire piece and not just the absorbed non-kosher fat.

[2] On a Torah level, you should never have to *kasher* any *kli* that was not used for 24 hours after it became *treif* because the flavor is *pagum,* but Chazal require *kashering* lest you come to use the *kli* within 24 hours.

The ש״ך asks that if the S”A is correct, Tosfos should have suggested that you can *kasher* large *benei-yoman keilim* by adding ash to the *hag’alah* water, which would be *pogem* the non-kosher flavor leaving the pot. From the fact that Tosfos omits this possibility, it seems clear that the S”A is incorrect and that being *pogem* the water is ineffective. The טו) **ט״ז**) quotes the מהרש״ל and מהר״ל who also forbid, and the כד) **גר״א**) appears to argue on the S”A as well.

The 53) (ח״א-קא) **חכם צבי**) argues on the ש״ך and *passkins* like the S”A. He explains that the claim that “no one has ever *passkined*” that you can be *pogem* the flavor is irrelevant, since the principle is explicit in the Gemara. The Gemara states that after 24 hours, the absorbed flavor in the pot is *pagum* and can no longer forbid, and the S”A extrapolates that the same applies when the flavor becomes *nifgam* even while the *kli* is still *ben-yomo*. Furthermore, Tosfos would agree that one may *kasher ben-yomo keilim* by being *pogem* the water; Tosfos simply presented one possible method of how they *kashered keilim* in the *midbar.* Tosfos suggested that they *kashered* small *keilim* (whose בליעות will be *batel b’shishim* in the water)*,* but they could have also *kashered* large *keilim* by being *pogem* the water, or by performing *hag’alah,* cooking in the pot, and then having a non-Jew taste the food to determine whether the non-kosher flavor is still detectable in the food.[3]

In fact, the ארוך-לג) **יד יהודה**) and the 54) (יו״ד-כג) **חזון איש**) write that the ש״ך and ט״ז agree that adding substances that are genuinely *pogem* to water used for washing dirty meat and dairy dishes will prevent the dishes from becoming forbidden. The ש״ך/ט״ז disagreed with the S”A only regarding ash, because ash does not truly mix with the water; it floats and can be filtered out. In contrast, bleach or other strong substances mix well with water (i.e., they cannot be filtered out) and are genuinely *pogem* the meat and dairy flavor.[4]

If so, why do we ever need to *kasher* dishes? Why don’t we simply place non-kosher pots in bleach that is *yad soledes,* so that the defective flavor of the bleach destroys any absorbed non-kosher flavor in the pot? The 55) (פז) **בדה״ש**) explains that the leniency of נותן טעם לפגם applies only when the *pogem* substance is added before the forbidden flavor enters the *kli,* so that the *kli* never absorbs meaningful non-kosher flavor. However, once the forbidden flavor has already been absorbed*,* adding bleach to the *kli* cannot correct it, because we cannot determine if bleach entered the walls of the *kli,* or whether it did so sufficiently to be *pogem* the absorbed non-kosher flavor.

[3] The כד) ערה״ש) answers similarly that Tosfos was looking for a solution to *kasher* the *keilim* using water alone.
[4] The חזון איש explains that they did not use these substances when *kashering* the *keilim* in the *midbar* because their pots were very porous, so the *pagum* flavor would enter the pot, and subsequently, the food.

How do we *passkin*? The צה-לז) **יד יהודה**) *passkins* like the ש״ך and ט״ז, but only with regard to ash, because ash does not truly ruin the flavor, whereas a pungent substance certainly would. The 56) מח-טו) **חכמת אדם**) *passkins* like the S”A, and the כד) **ערה״ש**) writes that the custom “of all *posskim”* is to rely on the S”A. In other words, all *posskim* today are of the opinion that substances that are genuinely *pogem* (e.g., bleach) will prevent a *kli* from becoming forbidden if added before the *kli* comes in contact with non-kosher flavor.

The final question that needs to be addressed is whether one may be *pogem* a forbidden taste in order to permit subsequent use of dishes or utensils. For example, if you add soap before washing dishes with hot water, are you then allowed to wash *fleishig* and *milchig* dishes together? Are you allowed to wash kosher and non-kosher dishes together in this manner?

The קא-ח״א) **חכם צבי**) quoted above concludes his *teshuva,* and the **יד אפרים** צט-ה)) also writes, that *le’chatchilla* you are allowed to add substances that will be *pogem* the flavor. Some wish to prove the same from the 56) **חכמת אדם**) above, who writes that ״אם נתנו אפר במים״, if you place ash in the water before washing the dishes, then everything is allowed, implying that you may place it there *le’chatchilla.* However, the נח-סקכ״ו) **מנחת יעקב**) and 57) (פו) **בדה״ש**) *passkin* that one may not be *pogem* the flavor *le’chatchilla.* We will see below that many *kashrus* agencies today are lenient about this.

To summarize:

- The S”A *passkins* that if <u>ash</u> was placed in a vat <u>before</u> dairy and *fleishig* dishes were added, everything is permitted.
    - All agree that you may not *kasher keilim* by being *pogem* the flavor in them after it is absorbed; that only helps before it enters the walls of the pot.
- The ש״ך, ט״ז and גר״א argue, but the majority of *acharonim* understand that they would agree if the *pagum* flavor being used is very strong, such as bleach.
- According to the majority opinion that strong substances may be used to be *pogem* non-kosher flavor, there is a sub-dispute whether one may *le’chatchilla* add the *pagum* flavor to prevent *keilim* from becoming non-kosher.

Practical Applications

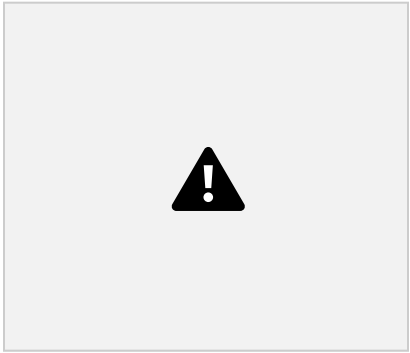
<u>Is dish soap *pogem*?</u>

Is regular dish soap today *pogem*? The 177 (הע׳) **פסקים ותשובות**) writes that it is possible our dish soap, which is not as strong as bleach or other cleaning substances, is

not actually *pogem.* However, the יו״ד כג-א) **חזון איש**) and **Rav Forst** (p. 250) *passkin* that our soap is certainly *pogem,* and this seems to be the accepted custom. Therefore, if you accidentally wash *fleishig* and dairy dishes together and are certain soap was added at the beginning of the cleaning process, there is room to be lenient, even if the water was *yad soledes bo* (which in most cases it is not).

Steam jacketed kettle

Today, many manufacturers cook products using steam jacketed kettles. These kettles have a double wall with a small space between them, which is filled with boiling steam that heats up the kettle, which also acts as a pot, and cooks the contents. When the steam cools down and condenses, the water drains from the bottom back to the boiler, where it is reheated, and returns as steam to the space between the walls. This is a continuous cycle which maintains the heat in the pot and recycles the water until the machine is turned off. We learned earlier that regarding non-kosher food, everyone agrees that נ״ט בר נ״ט is forbidden. Therefore, when non-kosher products are cooked in these kettles, the steam absorbs non-kosher flavor from the contents of the kettle and becomes forbidden. Even if the *kashrus* agencies would *kasher* the kettle or replace them, it would not help because the steam used to heat them up is not kosher. Furthermore, even if the water is replaced, the pipes remain non-kosher; if they were used within 24 hours (a likely scenario), they will transfer forbidden flavor into the new water. If so, what is the solution?



The 58) (ח״י-קכג) **שבט הלוי**) *passkins* that companies should *kasher* the kettle itself (which is usually detachable) and then add a *pagum* flavor into the water before using the kettle. We learned earlier in the *zman* regarding canned green beans and corn that the OU uses Britex, which is cited in the Guinness World Records as the most bitter substance known to man. It is clear that the שבט הלוי and the OU are relying on the חכם צבי, חכמת אדם and other *posskim* who permit being *pogem* a flavor *le’chatchilla,* and since the water is *nifgam* before it comes in contact with the kosher pot, the pot remains permitted.

Dishwashers

One of the most common *halachic* questions asked regarding *basar b’chalav* is whether a single dishwasher may be used for both meat and dairy dishes back-to-back,

or even together. In order to best answer this question, and before we can apply everything we have learned above, we must first learn how dishwashers work.

In short, dishwashers spray water in all directions within the interior until the dishes are clean. Each dishwasher has an array of washing options, but below we will discuss the most commonly used washing and rinsing methods.

After loading the dirty dishes, placing soap in the soap dispenser and turning on the machine, the dishwasher will drain any leftover liquid and fill the bottom of the machine with up to 3 gallons of water. This water is pumped through the spinning arms of the machine, which *shpritz* the water on the dirty dishes for an initial wash. Today, most dishwashers begin with an initial cold rinse to remove the majority of the dirt, and after the water is drained, a second cycle of hot water follows, while there are some machines which begin with a hot cycle.



The second cycle always uses hot water, which is heated in one of two ways. Most older models have a heating element at the bottom (the heating element is either built in or is a visible coil on the dishwasher floor; see image), which heats up the water that accumulates on the bottom. The newer versions heat up some of the water before it enters the dishwasher and also have a heating element built into the pump.

Once the water reaches a desired temperature (either by the coil in the older versions or by the heating element in the pump itself in the newer versions), the water (without soap) is pumped through spinning arms, which *shpritz* water all over the dirty dishes. In the middle of this cycle, the soap dispenser opens, allowing the soap to dissolve in the hot water that has accumulated on the dishwasher floor, and this soapy water is shot out through the spinning arms (it is not always clear if the water reaches *yad soledes bo* before the soap is introduced).[5] The soapy water is drained, clean water is added for a final rinse,[6] the water is drained again, and the dishwasher dries the dishes.

It should also be noted that all dishwashers contain a filter in their drain that traps large food particles to prevent them from clogging the drainage pipes. Whenever the machine is filled with water (at the beginning of each rinse cycle), the filter (and its contents) is submerged in water. Additionally, dishwasher manufacturers advise using

[5] Some of the very old models introduce the soap right away, but today almost all the models available on the market introduce the soap mid-cycle.
[6] Longer cycles will repeat the *shpritzing* and draining cycle up to 5 times.

special dishwashing salt to soften the water before it is pumped out. The description above is accurate for the majority of dishwashers, though there are some that work differently. See **video**: https://youtu.be/H0lEA8bKwy8

There are a few questions that need to be asked to determine whether you may use the same dishwasher for meat and dairy together or one after the other. First, what is the status of the water being *shpritzed* out of the dishwasher? Is it *irui kli rishon* or is it considered an actual *kli rishon* because the inside of the dishwasher heats up (from the heating element on the bottom)? Even if the *shpritz* of water is only considered *irui kli rishon,* the ש"ך and Rav Moshe *passkin* that *irui* on dirty meat and dairy dishes forbids both. Third, there are always leftover food particles in the filter, and when hot water fills the bottom of the dishwasher, it cooks the leftover food (e.g., chicken particles) in the filter and then *shpritzes* that *fleishig* water all over the dishes. Lastly, even if you are to spray some soap on the dishes before the cycle begins, if the initial run is cold, it will wash away the soap, and when the water heats up in the second run, it may forbid your *keilim.* Are you allowed to use a dishwasher for meat and then dairy or vice versa?

The 59) (ח"ג-עא) **אבני ישפה**) *passkins* that it is forbidden to use a dishwasher for meat and then dairy or vice versa, and certainly not for meat and dairy together. He explains that a dishwasher has the status of a *kli rishon* because everything inside heats up (and is filled with steam). Therefore, if you run a *fleishig* wash first and there is not *shishim* in the water to nullify the leftover meat particles, the dishwasher becomes *fleishig*. If within 24 hours you wash dairy dishes, if the dishes are dirty, your dishwasher becomes *basar b'chalav* and everything inside is forbidden; it is exactly like cooking dairy in a *fleishig* pot. Even if the dairy dishes are completely clean, the *Rama* would forbid because this is similar to the case in סעיף ג׳ of placing clean dairy dishes in a *fleishig* vat filled with hot water, where the strong meat and dairy flavors meet in the water, become *basar b'chalav,* and forbid the dishes. Granted, in the dishwasher the dishes are not submerged in water, but the אבני ישפה would explain that since the dishwasher is filled with steam and has a built-in heating element, it is as if the entire machine is filled with water and the steam becomes forbidden, thereby forbidding the *keilim.* The אבני ישפה concludes that for this reason, you should not use one dishwasher for meat and dairy because it is impossible to guarantee that every time you place dishes in the dishwasher, there is such little residue of food on the dishes that it would be *batel b'shishim* and keep the dishwasher *parve.* He adds that "a certain *gaon"* (who was Rav Elyashiv) agreed with him.

Rav Moshe in 60) (או"ח קד) (אגרו"מ) *passkins* that you may use the same dishwasher for meat and then dairy or vice versa, as long as you have separate racks for

fleishig and dairy dishes. Elsewhere in (אגרו״מ יו״ד ח״ב-כח), he explains his *pssak* that the water being *shpritzed* out has the status of *irui kli rishon.* He writes that a dishwasher is more similar to the ruling of the *Rama* that one is allowed to wash clean dairy dishes in a *parve* vat of hot water and then wash clean *fleishig* dishes in the same vat, because the water is נ״ט בר נ״ט (i.e., once the dairy plate is removed from the water in the vat, the water is weakened because it is no longer connected to the dairy flavor, and you may place a clean *fleishig* plate in the נ״ט בר נ״ט water). A dishwasher is even better, because even if the dishwasher became *fleishig* from the initial meat run, when the second run containing dairy dishes is initiated, new clean water is used, and that water is considered נ״ט בר נ״ט (from the meat to the dishwasher and from dishwasher to water) and may be used to wash dairy dishes.[7] However, the racks need to be changed because they often become dirty and have a thin layer of fat or small particles of food stuck to them. When the hot water *shpritzes* on the dishes and rack simultaneously, the dishes will become forbidden from the grime of the opposite type of food that is on the rack (because the water has the status of *irui kli rishon,* and Rav Moshe *passkins* like the ש״ך who forbids).

Rav Moshe adds in a third place in (אגרו״מ יו״ד ח״ג-כח, כט) that his leniency only applies to washing meat and then dairy (or vice versa) because the flavors in the walls are נ״ט בר נ״ט. However, one should not use a non-kosher dishwasher or use a regular dishwasher on Pesach because נ״ט בר נ״ט does not apply to other prohibitions.[8] He writes that *kashering* them is complicated because many are made of porcelain (i.e., earthenware, which isn't *kashered* – though, today, most are metal) and it is also hard to fully clean them.

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[7] According to Rav Moshe, the dishwasher walls become *fleishig* after the initial *fleishig* run, because we assume that the water hits all areas of the dishwasher and there were most likely some meat particles. If so, one might ask that in the next run (which is being used for dairy within 24 hours of the previous run), when the water accumulates on the bottom and heats up, it is similar to hot water being cooked in a *fleishig ben-yomo* pot, and even when the water is *shpritzed,* it is considered *irui* from a *ben-yomo fleishig* pot, which the *Rama passkins* forbids the dairy *ben-yomo* dish it comes in contact with. However, we learned that the ש״ך and other *posskim* permit because the moment the water is *shpritzed* (and disconnected from the source of the meat flavor, in our case, the floor of the dishwasher which absorbs the meat flavor), it becomes נ״ט בר נ״ט. This is what Rav Moshe meant when he wrote that a dishwasher has the status of נ״ט בר נ״ט. However, if there is edible meat in the filter (or worse, meat and dairy), that water is not נ״ט בר נ״ט, but actual meat soup (or *basar b'chalav* soup), and that is what the אגורה באהלך quoted below asks on Rav Moshe.

[8] According to Rav Moshe, why doesn't a dishwasher become *basar b'chalav* when used for meat and then dairy? There are meat particles absorbed in the walls and then dairy flavor during the dairy cycle. If so, every dishwasher should be *basar b'chalav* and be forbidden to use. We can suggest that according to Rav Moshe, *irui* only forbids that exact place that came in contact with meat. Since the initial cycle uses cold water, which removes the majority of the food, there would only be small sections that would be *fleishig*. Furthermore, maybe the leftover remnants (after the cold run) are *batel b'shishim* or *pagum* from the soap.

The 61) (ח״א-צח **אגורה באהלך**) writes that today, even Rav Moshe would agree that you cannot use the same dishwasher for meat and dairy, even one after the other, because meat and dairy particles accumulate in the filter. In other words, the water that accumulates on the bottom of the dishwasher is not נ״ט בר נ״ט, but actual chicken soup (i.e., hot water cooked with chicken residue in the filter). Even if soap is added to every load, there is a final rinse cycle that removes all the soap and would clean the larger food particles in the filter. The next time the machine is turned on and water fills the bottom of the machine (without any soap), that water becomes *fleishig* from the remaining particles of the last load (and if there are meat and dairy particles in the filter, the water becomes *basar b'chalav*) and forbids all the dishes.

In contrast, **Rav Shmuel Tuvia Stern** (62) in שו״ת השביי״ט (ח״ג-טו) allows using a dishwasher for meat and then for dairy (and vice versa) and does not require changing the racks in between cycles. He explains that the water being *shpritzed* out has the status of *irui kli rishon,* which cannot remove the absorbed *fleishig* flavor from the walls of the dishwasher and infuse it into the dairy dishes that are currently in the load. Rav Stern was not concerned for the small particles of food that might get stuck in the racks because the detergent introduced to the load will nullify them (the same would apply to the filter).[9]

Rav Ovadya Yosef in 63) (ח״י יו״ד-ד יביע אומר) *passkins* even more leniently that you may use a dishwasher for meat and dairy dishes at the same time. He explains that the initial rinse that removes most of the residue is not *yad soledes bo,* and in the second rinse, when hot water is used, soap is introduced which will be *pogem* any remnants of food. However, in the video above we saw that when the hot water is used, the heat level slowly rises (so as not to break the glass dishes), and the soap is added mid-cycle. If the water reached *yad soledes bo* before the soap was introduced and the dishes were not yet fully clean, the dishes would be forbidden according to the ש״ך because it is a case of *irui kli rishon* on dirty dishes (though the *Rama* permits). Even spraying some soap on the dishes before the cycle begins would not help, because that soap would be washed out in the initial cold run. In any case, Rav Ovadya concludes that it is best not to wash meat and dairy dishes together.

The 64) (יו״ד פט-פו **ילקוט יוסף**) describes the dishwasher as first *shpritzing* out hot water mixed with soap, followed by another cycle of hot water without soap (he is apparently describing some of the very old models, which would begin the cycle with soap and hot water). He *passkins* that if the dishes do not have large pieces of food on

[9] Additionally, the leftover food in the filter is usually *nifgam* from the dirt and other materials collected by the filter (see end of above video where the filter is filthy).

them, you may use the dishwasher for meat and then dairy (but not together) because the soap is *pogem* the small amount of residue left on the plates. However, if there are large pieces of food left on the plate, as is common in industrial dishwashers, the soap is not *pogem* the food and the dishwasher should not be used for dairy and then meat.[10] Rav Yosef adds that strictly speaking, you may even wash dairy and *fleishig* dishes together (because the soap is *pogem* the small amount of flavor that is in the dishes), but it is best to wash the meat and dairy dishes separately, and large factories are obligated to have separate ones.

There is another possible reason to allow using the same dishwasher for meat and then dairy according to all opinions. The S"A in **סימן קג-ג** *passkins* that a large amount of salt can be *pogem,* and the manufacturers of today's dishwashers recommend adding dishwasher salt (which is not edible) to soften the water, and all water that enters the dishwasher runs through this salt. If it is determined that the water entering the machine is extremely salty due to this inedible salt, perhaps all the food remnants are *nifgam* from the salt water, and it would be permitted to wash dairy and *fleishig* dishes together, as that would be exactly like the case of the S"A of adding ash to the water before the water is mixed with the dishes. However, according to ChatGPT, the water does not get salty enough to be considered *pagum* and is still edible after coming in contact with the salt. Furthermore, the salt often runs out while the dishwasher is still in use.

To summarize:

- *Ashkenazi posskim* forbid using the same dishwasher for meat and dairy dishes together.
- The majority of *Ashkenazi posskim* even forbid using the same dishwasher for meat and then dairy unless you have separate racks and make sure to clean the filter in between cycles.[11]
- However, some *Ashkenazi posskim* allow using the same dishwasher for meat and then dairy without switching the racks. This opinion holds that the remnants of food in the filter become *pagum* either from the soap or from sitting in the filter and becoming spoiled over time.
    - Nevertheless, there is a bit more room to be lenient if you clean the filter in between cycles (especially with the newer dishwashers that begin with a

[10] Rav Yosef is worried about food remnants being left over in the dishwasher that may forbid the next batch of dishes of the opposite type. If the dishwasher is completely clean, washing dishes of the opposite type should be allowed since the hot water being *shpritzed* cannot extract absorbed flavor and transfer it to the dirty dishes.
[11] Some even add that you should run an empty cycle in between; see הכשרות כהלכה (כא:מ).

cold wash, which removes the majority of the food residue),[12] clean the racks well, ensuring there are no food particles left on them, and run a clean cycle in between.

- *Sephardim* allow the use of one dishwasher for meat and then dairy, and Rav Ovadya even allows using them together (when the initial rinse cycle is cold). *Lema'ase,* you should ask your Rav.

<u>Accidentally finding a dairy dish in a *fleishig* dishwasher</u>

What is the *halacha* if you find a dairy utensil or piece of silverware in a *fleishig* dishwasher or vice versa? We mentioned above regarding washing dishes that although it is ideal to have two sinks, if you accidentally wash dairy and *fleishig* dishes together, they are permitted using a number of צירופים. Does the same apply to a dishwasher?

On the one hand, there are reasons to view washing meat and dairy dishes together in a dishwasher as more problematic than doing so in a sink (and one should choose owning two sinks over two dishwashers); on the other hand, there are also reasons to view washing them in a sink as more problematic than in a dishwasher (and it would be preferable to own two dishwashers over two sinks). Regarding sinks, there are many צירופים that could be used to permit the dishes, but some of these צירופים do not apply to a dishwasher. For example: 1) A faucet may be *irui kli sheini,* but today's dishwashers are clearly *irui kli rishon* (since the water is heated in the dishwasher). 2) Rav Moshe's *kula* that hot water mixed with cold water renders the water a *kli sheini* does not apply to dishwashers, where all of the water is heated up. In contrast, there are reasons to be more lenient with a dishwasher than a sink because when using a dishwasher, there is a *safek* if food particles remain from the previous cycle, and even if they were, perhaps they did not come in contact with the opposite type of dishes.

Lema'ase, if you find a dairy fork in your *fleishig* dishwasher, Rav Ovadya would certainly allow, and even *Ashkenazi posskim* might be lenient, even if the initial cycle was hot, by combining a few *safekos* together: Maybe the *fleishig* food residue never actually came in contact with the dairy fork, and even if it did, maybe it only came in contact with the fork after the residue was *nifgam* by the soap, and even if the residue came in contact with the dairy fork before it was *nifgam*, the opinion of the *Rama* that *irui kli rishon* does not prohibit dirty dishes is still relevant. However, many *posskim* say that it is best to *kasher* the fork by waiting 24 hours and then pouring boiling hot water on the fork (though if the dish is china, which cannot be *kashered,* you may rely on the above

[12] The small amounts of leftover food are *batel b'shishim* in the subsequent hot cycle.

sefekos). Regarding the other dishes, everyone agrees they are permitted because any remaining food particles on the fork are most likely *batel* in the water.

<u>*Parve* dishes in a *fleishig* dishwasher</u>

The צה-יח) **פסקים ותשובות**) *passkins* that you may wash *parve* dishes in a dairy or *fleishig* dishwasher as long as you do a *parve*-only cycle and make sure the dishwasher is clean (including the filter). However, you should not wash *parve* dishes with dirty *fleishig* or dairy dishes because the food residue might *shpritz* on your *parve* dishes.

<u>Starbucks and Dunkin Donuts coffee</u>

One of the most common questions asked by American Jews is whether one may buy Starbucks coffee from a location without a *hechsher.* The relevant *halachic* issues all relate to how they wash their dishes. Let's explain: today, almost all Starbucks locations (including the kiosks) also sell hot non-kosher food. When the dishes used for the non-kosher food are washed together with a milk frothing pitcher or other items used to make coffee, there is a possibility that the pitcher and coffee items become forbidden, and may subsequently render the coffee forbidden.[13] Even those who are lenient to use one dishwasher for meat and then dairy would not allow using one dishwasher for kosher and non-kosher dishes together (except for Rav Ovadya, who also recommends avoiding it).

Rabbi Sholem Fishbane is widely recognized as a world-renowned expert on the *kashrus* of Starbucks. He has visited hundreds of Starbucks locations around the world to study how the utensils are cleaned and used. In a series of YouTube videos, he explains that when offering guidance to the public on the issue, he only permits what is entirely acceptable according to all opinions. Therefore, any drink that uses a utensil/dish that was washed in a dishwasher, such as a milk frother pitcher, is not allowed due to the concern that it was washed with dirty non-kosher dishes. Similarly, many drinks are prepared by having the coffee brewed into a metal or ceramic holding container and then pouring it into the disposable cup given to the customer. These *keilim* into which the coffee is initially poured are also usually washed in the dishwasher. Therefore, the only Starbucks drinks that may be ordered with certainty are espresso, americano (espresso with extra water), and tea without any hot milk. These drinks go directly from the machine into a disposable cup, and nearly all Starbucks locations currently use automated machines that do not require removable porta filters (the parts of the

[13] A milk frother heats up the milk by pumping boiling hot steam directly into the milk. The אבני נזר (יו"ד קיא) *passkins* that the steam has the status of a *kli rishon* and therefore, if the milk heats up to *yad soledes bo,* the frother is considered a *kli rishon.* In other words, there is no difference whether a pot is heated on the outside by fire or on the inside with steam – both have the status of a *kli rishon.*

espresso machine that hold the coffee grounds), which may be washed in the dishwasher).[14] Regarding added flavors, one would need to verify whether they have a *hechsher* or if they are certified in some other way (plain coffee beans are kosher without a *hechsher*).

Those who are lenient to purchase Starbucks coffee prepared with equipment washed in the dishwasher (including black coffee, since the filter and pitcher used for it are washed in the dishwasher), rely on the assumption that the detergent in the dishwasher is *pogem* everything.[15] However, as mentioned above, most *posskim* do not rely on this alone to allow washing meat and dairy dishes, and certainly not kosher and non-kosher dishes, in the dishwasher simultaneously.[16]

Rabbi Fishbane explains that it is much preferred to buy coffee at Dunkin Donuts in the US than in Starbucks for two reasons. First, DD has many kosher locations in the US and is much more "kosher conscious" even at the non-kosher locations when introducing new ingredients – they generally prefer products with *hashgacha* than ones without. Second, all DD locations (kosher and non-kosher alike) use a specialized dishwasher that introduces soap and water simultaneously, and the water temperature is set so that it never exceeds *yad soledes bo.* As a result, even in non-kosher locations serving bacon, the frother and the *keilim* used to make coffee never become forbidden from the non-kosher food or utensils, and one would be allowed to purchase a latte (for those who drink *chalav stam*). Furthermore, many of the refresher drinks, hot chocolate, and flavorings are made with a kosher-certified base, though you would first need to ask an employee to show you the packaging with the kosher symbol on the container. For these reasons, it is strongly preferred to buy from Dunkin Donuts than Starbucks. See **video** on how Starbucks cleans their dishes and an interview with Rav Fishbane: bit.ly/SCPstarbucksDunkin

I. Open Containers in Fridge

[14] To save time, Starbucks stopped making coffee with porta filters and now only uses automated machines.
[15] The Starbucks policy used to be that dishes were placed in a sink filled with hot water (a *kli sheini*) and then the dishes would be moved to another sink filled with water and soap. Only after these rinse cycles would the dishes be placed in the dishwasher. In this situation, you would certainly be allowed to order hot drinks because the frother and other portable utensils are placed in a *kli sheini,* and by the time they enter the dishwasher, they are basically clean. However, Rav Fishbane attests that now, most stores just throw all the dirty dishes into the dishwasher.
[16] Last *zman,* we learned that Rav Schachter allows buying a coffee at McDonalds without concern for *maris ayin.* Regarding the *kashrus* of the coffee itself, Rav Schachter only allowed in a *bedieved* situation where the *mashgiach* was traveling late at night on the road, but would not allow *le'chatchilla* to enter a McDonalds to buy coffee. Presumably, the same would apply to a Starbucks.

In this section, we will learn the *sugya* of placing meat and dairy foods next to one another. The 65) (קיב.) **גמרא חולין**) teaches that you are not allowed to place salt next to כותח (a dairy dip) because some כותח may fall in the salt, and the salt may later be used with meat. The Gemara adds that one may place כותח next to vinegar because if כותח falls in, it dissolves and becomes *batel b'shishim*, but when it falls into salt, it remains clumped and is not *batel b'shishim.*

The S"A in **סעיף ה'** *passkins* like the above Gemara that one may not place כותח next to salt, but may place it next to vinegar. The *Rama* adds that this prohibition applies only when the items are exposed, but if they are covered, they are permitted. Furthermore, even if they were accidentally left uncovered next to one another, the salt may still be used with meat. The כה) **גר"א**) explains that "דלא מחזקינן איסורא" – we do not assume that the כותח fell in.

The S"A in **סעיף ו'** adds based on Tosfos (in the above Gemara) that only placing כותח next to salt is forbidden, but one may place a jug of milk next to meat. The כג) **ש"ך**) explains that when meat and milk are placed next to one another, one will be extra careful to make sure they do not mix. However, the *Rama* adds based on the אור זרוע that *le'chatchilla,* it is best not to place them next to one another. Furthermore, the פסקים ותשובות (צה:כ) writes that one should not leave an open container of milk next to an open container of *parve* food if he plans on using the *parve* food with meat. The **ש"ך** כד)) clarifies that this ruling of the *Rama* applies only if they are open, but if they are covered, they may be placed next to one another even *le'chatchilla*.

Practical Applications

<u>Coffee station</u>

Many times, when hosting a *kiddush* or *simcha* at home, a designated coffee station is set up with an assortment of teas, coffee, and sugar. An open container of milk is often placed nearby, and drops of milk may fall into the sugar. Based on the above S"A, one should not place an open container of milk near sugar, in case the sugar is later used with meat (e.g., added to a meat marinade). However, if you accidentally left the milk and sugar container exposed and do not see any clumps of sugar (which could indicate milk spilled there), the sugar may still be used with meat.

<u>Fridge</u>

We learned in the previous subsection that according to the *chumra* of the *Rama*, one should not place open containers of meat and dairy next to one another.

Furthermore, the 66) (קא) **בדה"ש**) quotes the מהרש"ל, who takes the *Rama* one step further and *passkins* that one should designate separate *fleishig* and dairy counters. He acknowledges that there is no concern when the pots are cold, but there is concern that a hot *fleishig* pot may be placed on spilled milk or on the same location where hot milk was spilled within 24 hours (and the pot is wet). Based on this, the בדה"ש writes one should ideally designate separate areas in the fridge for dairy and *fleishig* (and make sure all foods are covered). Since hot pots are sometimes placed in the fridge, placing a hot *fleishig* pot on spilled milk could render the pot forbidden. Furthermore, some *acharonim* write that one should refrain from placing liquid dairy products (e.g., yogurt, milk, and cottage cheese) on the top shelf of the fridge, since they may leak and spill onto meat dishes on the lower shelves.

J. Salt in Meat Dishes

The S"A in **סעיף ז'** *passkins* that salt placed in *fleishig* dishes may be used for dairy, but the *Rama* adds that those who are *machmir* should be blessed. The יח) **ט"ז**) disagrees with the *Rama's* praise for those who act stringently because there is no way for the salt to absorb flavor from the *fleishig* dish. He explains that there is no reason to be *machmir* because the salt and bowl are cold, and flavor transfer usually requires heat. Even if salt is considered a *davar charif,* which can transfer flavor without heat, it can only extract flavor if pressure is also applied (e.g., a *fleishig* knife cutting an onion), which is not the case here. The 67) (קד) **בדה"ש**) defends the *Rama,* explaining that the *Rama* only suggests being *machmir* when there is concern that the *fleishig* bowl was dirty with a thin layer of fat. In such cases, the salt could absorb the actual residue.