G. Sherry Cask Whiskey – Reasons to Forbid

In the previous section, we learned that it is forbidden to benefit from a pottery jug that absorbed *stam yeinam*. Furthermore, we saw the explanation of the פרישה that when the jug is filled with water, the water absorbs the wine flavor from the walls of the jug and becomes forbidden. In the next two sections, we will learn the *sugya* of whiskey aged in sherry casks (barrels previously used to make non-kosher wine) and whether such whiskey is permitted for consumption.

In order to best understand this *sugya,* we will first learn how whiskey is produced and aged in sherry casks. Then we will learn four *halachic* principles that seem to prohibit the consumption of sherry cask whiskey, followed by possible ways to resolve these issues, and finally the *pssak* of contemporary *posskim*.

Whiskey is a distilled alcoholic beverage made from fermented grain mash. The grains used may include barley, corn, rye, and wheat. After fermentation and distillation, the liquid is initially clear (similar to the color of vodka), and is then typically aged in wooden barrels — usually oak barrels — which gives the whiskey its color and complex flavors. Scotch, bourbon, Irish whiskey, and Japanese whiskey are all forms of whiskey, and they get their names based on the location they are produced and their ingredients.

There are strict regulations regarding labeling whiskey as scotch or bourbon. For example, whiskey may only be labeled as scotch if it is produced in Scotland, contains no added flavors, sweeteners, herbs, or non-whiskey ingredients, and is aged for at least three years. The only additives allowed are water and caramel coloring (E150a). Bourbon must be produced in the USA, contain at least 51% corn, be aged in new charred oak barrels, and may contain no additives whatsoever. All the standard ingredients used in scotch and bourbon are kosher, but some cheaper whiskey products or spirit drinks may contain additional ingredients, sometimes even wine.[1]

See **video** on how whiskey is produced and how aging it in wooden barrels affects its color and taste: bit.ly/SCPwhiskey.

There are two[2] major issues that can potentially forbid whiskey halachically: 1) Adding wine directly to the whiskey. 2) Aging the whiskey in barrels previously used for

[1] However, in countries such as Japan, Ireland, and others, there is no regulation and one would surely need a *hechsher.*

[2] If the whiskey is owned by Jews, there is also an issue of חמץ שעבר עליו הפסח.

storing *stam yeinam,* such as sherry casks. Sherry is a type of wine produced in a specific triangular region in Spain, and many whiskeys are aged in used sherry barrels. Whiskey may also be aged in barrels that previously held Port, Cognac, Madeira, Oloroso, Sauternes, Shiraz**,** or other wine-based products. Labels with terms such as "Dual-Cask Finish" or "Double-Matured" may indicate aging in wine casks, meaning that the whiskey may potentially contain absorbed *stam yeinam* flavor.

As mentioned above, in order to determine whether these types of whiskey may be consumed, we will learn four *halachic* principles that seem to prohibit sherry casks and then see how the *Acharonim* attempt to address each issue. It is important to note that the *sugya* of whiskey aged in sherry casks is quite extensive. We will learn the main concerns and solutions, but much more can be discussed, and one should consult his Rav for practical guidance.

I. *Bitul* with *stam yeinam*

The first issue we need to discuss is whether the wine flavor absorbed in the sherry casks is *batel* in the whiskey. In general, when a forbidden substance becomes mixed with a permitted one, the mixture is permitted if the forbidden ingredient is *batel b'shishim.* However, the 44) (עג.**משנה עבודה זרה**) *passkins* that if even the smallest amount of יין נסך gets mixed with other wine (מין במינו), the mixture becomes forbidden. If the יין נסך is mixed with other drinks (מין בשאינו מינו), the mixture is forbidden only if the flavor of the wine is detectable. The majority of *Rishonim,* including the ד"ה) **רמב"ן** זו), the תורת הבית שער ה נט) **רשב"א**:) and the מאכלות אסורות פט"ז-כט) **רמב"ם**), *passkin* that the same rules apply to *stam yeinam.* Thus, when kosher wine becomes mixed with non-kosher wine, even the smallest amount of non-kosher wine forbids the mixture, but when non-kosher wine is mixed with other beverages, the mixture is only forbidden if the wine flavor is noticeable.

When wine mixes with whiskey—whether by being added directly or through absorption from sherry casks—it is considered מין בשאינו מינו and can be subject to *bitul*. The question is: what amount of whiskey is needed to nullify the wine?

The 45) (קלד**טור**) writes that *shishim* is required, just like any other mixture. But the **ראב"ד** *passkins* that the non-kosher wine is *batel* in a ratio of 1:6, since that is the point at which wine loses its identity when diluted with water. The S"A in 46) **סימן קלד-ה**) *passkins* like the ראב"ד that a ratio of 1:6 suffices. The *Rama* in our *siman,* **סימן קכג-ח,** cites both opinions, and the טז) **ש"ך**) explains that the *Rama passkins* like the S"A.

However, the *Rama* in 47) **סימן קיד-ו**) *passkins* that when purchasing beer from non-Jews, one must ensure that no wine was added. If wine was mixed in, it must be

batel b'shishim, and even then, the beer is only permitted if the wine does not add flavor and enhance the beer. The **ט״ז** (סק"ד, ו) writes that the *Rama* is quoting the מרדכי who requires *shishim,* but we follow the opinion that *stam yeinam* is *batel* in a ratio of 1:6. The **ש״ך** (נקודת הכסף), however, defends the written *pssak* of the *Rama* and explains that the leniency of 1:6 applies only when non-kosher wine is mixed with **water**, but if the *stam yeinam* is mixed with other drinks, *shishim* is required.

What emerges from here is that according to the S"A and ט״ז, wine flavor absorbed in whiskey is *batel* in a ratio of 1:6, but the ש״ך would require *shishim.* However, even according to the S"A, there still appears to be an issue, because the whiskey does not contain six times the volume of the walls of the casks. The walls of a sherry cask (which absorbed the wine) are about 2 inches thick (or 5.1 cm), and 6 times their volume (including the lid and bottom of the barrel) would not fit inside the barrel itself.[3] Thus, even according to the S"A and ט״ז, (that only 1:6 is required), when whiskey is aged in sherry casks, the absorbed sherry is not *batel* because the whiskey is not six times the volume of the barrel.

However, this may not be an issue because the S"A in 48) **סימן קלה-יג**) *passkins* that when wine is absorbed into the walls of a barrel through soaking, it only absorbs a כדי קליפה, since no heat was involved. Therefore, the whiskey would certainly contain six times the volume of כדי קליפה of the barrel, and perhaps even *shishim* against it.[4] However, the **ש״ך** there qualifies that the case of the S"A is where it is uncertain how long the wine was soaked in the barrel. But if it was certainly soaked for at least 24 hours, then it would have the status of כבישה (*halachic* soaking, when the liquid is in a solid container for over 24 hours), in which case the wine is absorbed into the entire thickness of the barrel. Therefore, in our case of the sherry casks, even the opinions that only require a ratio of 1:6 would agree that the sherry flavor is not *batel* since the barrel does not hold 6 times the thickness of its walls.

To summarize, according to the ש״ך, *stam yeinam* absorbed in the walls of a barrel is only *batel* if there is *shishim* against the full thickness of the walls of the barrel.

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[3] According to ChatGPT, the total volume of all the wood in the cask, including staves and heads, is approximately 0.173 cubic meters (or 173 liters, or 6.1 cubic feet). This accounts for the 30–36 oak staves (each ~30 mm thick, 12 cm wide, 1.3 m long) and two circular heads (each ~30 mm thick, 0.7 m diameter). A sherry butt (another name for cask) has a nominal capacity of ~500 liters (0.5 cubic meters) for liquid storage. 6 times 173 liters (the volume of the barrel) is 1038 and does not fit in the 500 liter barrel.

[4] Although, as we saw, the S"A in קכג-יג forbids even benefiting from an earthenware jug that was used for *stam yeinam,* that appears to be a special *din* relating to earthenware vessels, which naturally absorb significant amounts of liquid. In that case, the jug has absorbed so much wine that when it is filled with water, the water changes color. However, wooden casks or other *keilim* are permitted, as is evident from the S"A in קלד-ד, who permits placing water, beer, and other beverages in *keilim* that were previously used for *stam yeinam.* See ר״ת quoted in Tosfos עבודה זרה עב: ד״ה אם who writes that pottery absorbs much more than wood.

According to the simple reading of S"A and the ט"ז, only six times the amount of wine absorbed in the כדי קליפה of the barrel is needed. Furthermore, even if we are lenient like the S"A/ט"ז that only six times the absorbed wine is needed, six times the volume of the barrel is still necessary according to the ש"ך's understanding of the S"A, which is not present in thick sherry casks.

Based on all this, it would seem at first glance that according to the S"A and ט"ז, the wine flavor in sherry casks is *batel,* whereas according to the ש"ך, it would not be *batel*. Therefore, in order to decide whether whiskey in sherry casks is kosher, we would need to first determine who we *passkin* like. However, in the next subsection, we will see that even according to the S"A and ט"ז, *bitul* may not help because the wine contributes noticeable flavor.

II. Spices added for flavor are not *batel*

Although the S"A *passkins* that wine becomes *batel* in a ratio of 1:6, in this subsection we will learn that when a forbidden ingredient is added specifically for its flavor, it is not *batel* even in 1,000. Therefore, sherry cask whiskey should still be forbidden because the sherry flavor is detectable in the whiskey.

The *Rama* in **צח-ח** and in 47) **קיד-ו**), as well as the S"A in **או"ח תקיג-ג,** *passkin* based on the צז) **גמרא חולין**:) and the רשב"א/ר"ש that when a forbidden ingredient is added to a mixture to impart flavor, and the substance is inherently forbidden in its own right (as opposed to prohibitions that arise only from the combination of two otherwise permitted items, such as *basar b'chalav*), it is not *batel* even in 1,000. Rather, it remains prohibited as long as its flavor is detectable. Accordingly, sherry cask whiskey should be prohibited since the whiskey is aged in these barrels specifically to absorb the sherry flavor.

III. Ingredients added for color are not *batel*

The *Rama* in **קב-א** and the S"A in 49) **או"ח סימן תקיג-ג**) *passkin* that whenever an ingredient is added to provide color, it is never *batel.* One of the main reasons whiskey is aged in sherry casks is to give it a darker color. Therefore, sherry cask whiskey should be forbidden for this reason as well.

IV. *Bitul le'chatchilla*

The S"A in 50) **סימן צט-ו**) *passkins* that one may not deliberately nullify even a rabbinic prohibition, and if one does so, he may not benefit from the resulting mixture. Thus, even if the wine absorbed in the sherry casks is *batel,* it would still seem to be

forbidden to deliberately produce, or possibly even purchase, whiskey that was aged in sherry casks, since one is deliberately relying on *bitul.*

What emerges from all of the above is that there are 4 main reasons to prohibit sherry cask whiskey.

1. According to the ש״ך, the *stam yeinam* absorbed in the walls of the barrel is not *batel* because *shishim* is required in the whiskey against the thickness of the barrel walls, which is not the case. According to the S"A and ט״ז, only a ratio of 1:6 is needed to be *mevatel* the *stam yeinam,* and only against the כדי קליפה of the barrel. However, even according to their position, the ש״ך *passkins* that 6 times the thickness of the entire barrel is necessary.
2. Even according to the S"A, a forbidden ingredient intentionally added for flavor is not *batel* even in 1,000 if the flavor is detectable, and the sherry flavor is clearly tasted in the whiskey.
3. Anything intentionally added for color is not *batel,* and sherry casks significantly affect the whiskey's color.
4. Purchasing whiskey aged in sherry casks requires deliberately relying on *bitul,* which seems comparable to deliberately nullifying a prohibition.

H. Sherry Cask Whiskey – Reasons to Permit

In light of all the reasons to forbid sherry cask whiskey, what would be the basis to permit it? At first glance, there seems to be an explicit S"A that permits it. The S"A in 51) **סימן קלז-ה**) *passkins* that if one places kosher wine in a non-kosher barrel of wine, the wine becomes forbidden (because it is a mixture of מין במינו, which is never *batel*). In contrast, the S"A in **סעיף ד׳** *passkins* that if one places water, beer, or another beverage in a non-kosher wine barrel, the beverage is permitted.[5] It would seem from סעיף ד' that placing whiskey in sherry casks should be permitted. However, the טו) **ש״ך**) explains that the beverage placed in wine casks is only permitted because it nullifies and ruins the wine flavor – thus, the flavor of the wine is נותן טעם לפגם, a taste that worsens the beverage. Accordingly, the 52) (ח״ב-כח:ג) **מנחת יצחק**) explains that when placing whiskey in sherry casks, the intention of the brewery is the exact opposite – to enhance and infuse the whiskey with positive flavor. In such a case, the wine flavor is certainly not

[5] See previous note.

batel. Thus, we return to our original question: Is there any basis to permit sherry cask whiskey?

To answer this question, we will address each one of the 4 concerns mentioned above and the possible ways to reconcile them.

I. *Bitul* with *stam yeinam*

Rav Moshe in 53) (אגרו״מ (יו״ד ח״א-סב) discusses a case where actual *stam yeinam* was added to whiskey, and he *passkins* like the S”A and ט״ז that *stam yeinam* is *batel* in a ratio of 1:6 and not *shishim.* Rav Moshe adds that even the ש״ך might agree that wine is *batel* in whiskey because whiskey is very sharp, and perhaps the ש״ך only requires *shishim* with other liquids.

Regarding whiskey made in sherry casks, it is unclear whether Rav Moshe would require six times the thickness of the barrel (like the ש״ך), which is impossible in thick wine casks[6] or six times the כדי קליפה (like the S”A and ט״ז), in which case the sherry flavor in the casks is certainly *batel.*

Nevertheless, even the ש״ך may agree that a second-fill sherry cask, i.e., a sherry cask that had already previously been used to age whiskey, would be permitted. The S”A in **סימן קלה-טז** *passkins* that a non-kosher wine barrel used for *stam yeinam* that has not been used with non-kosher wine for twelve months is permitted for use after that time, even if during those 12-months it was filled with water (or kosher wine, or in our case, whiskey). In other words, even though the water (or kosher wine) inside the barrel is forbidden (because it was placed in the barrel within 12 months), after 12 months, the non-kosher wine flavor in the walls of the barrel is *batel* and the barrel may be used in the future.[7] Today, many whiskies labeled as “sherry casks” are actually refills, meaning that they were aged in sherry casks that have not held wine for over twelve months.

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[6] According to the ש״ך, even if the flavor of the sherry is not tasted in the whiskey, it would still be forbidden just like any case of *basar b’chalav* where dairy was cooked in a *ben-yomo fleishig* pot, that the food is forbidden even if the taste of the meat is not discernible in the dairy food.

[7] In this case, the water (or kosher wine) in the *barrel* is forbidden and should, in truth, become *chanan* according to the *Rama,* who *passkins* that *chanan* applies to all prohibitions*.* Nevertheless, there is still room to say that in our case, *chanan* does not apply to the whiskey in the first fill, and the wine absorbed in the sherry casks is therefore *batel* in the second fill. First, there is a dispute whether *chanan* applies to rabbinic prohibitions, especially those unrelated to *basar b’chalav* (see דרכי תשובה צב-מא who quotes the כתב סופר that there might be room to be lenient, and the יין המשמח (קלד סק״ג) and אגרו״מ (יו״ד ח״ב-לו), who *passkin* that *chanan* does not apply to *stam yeinam*). Second, the *Rama* in צב-ד writes that some *passkin* that *chanan* does not apply to a mixture of לח בלח (liquids), but one should only be lenient in a case of הפסד מרובה. Nevertheless, the *Rama* may be lenient when the לח בלח is also a rabbinic prohibition. Lastly, the above is only needed within the ש״ך, but according to the S”A and ט״ז, the wine was already *batel* in the first fill.

These sherry casks would be permitted because the sherry flavor is already long gone.[8] In many cases, an easy way to determine whether the bottle is a "first-fill" or a "refill" is to look at whether the label advertises "first-fill." If the label does not state that the whiskey was aged in "first-fill" sherry casks, it was most probably aged in a refill, which would render the whiskey permissible according to all opinions.

Furthermore, some whiskies are labeled as "sherry cask finish," meaning that the whiskey was first aged in bourbon barrels and was transferred to a sherry cask only in its last year or so. The casks used for sherry cask finish are usually older barrels, because distilleries generally use the newer and more scarce sherry casks for whiskey that will be sold at a much greater premium. However, "red wine cask finish" whiskies may more commonly involve first-fill barrels, since red wine barrels are easier to obtain.

II. Spices added for flavor are not *batel*

We mentioned above that even according to the S"A, who holds that the sherry flavor is *batel* because there is six times the כדי קליפה in the whiskey, and even according to the ש"ך that the flavor in second-fill casks is also *batel,* sherry casks should still be forbidden because the sherry is intentionally added for flavor, and ingredients added for flavor are not *batel* even in 1,000.

Rav Moshe, in the following *teshuva* in 54) (אגרו"מ יו"ד ח"א-סג), explains that in order for a flavor to be significant enough not to become *batel,* it must give off a strong flavor. But if it only gives off a weak flavor, then even if the flavor is somewhat noticeable, it is still *batel.* He proves this from the *halacha* (in S"A או"ח רד-ה) that if one adds three measurements of water to wine sediment and 3.5 measures emerge, the resulting mixture is considered water even though there is clearly some wine flavor in the beverage. Similarly, here, even when actual wine is added to the whiskey, the wine flavor is so weak that it can still be *batel.*

The 55) (ח"י-קט) **משנה הלכות**) explains slightly differently. In his opinion, the sherry flavor is not actually absorbed into the whiskey. Rather, it prevents the negative flavor of the wood from entering the whiskey.[9] He explains that whiskey aged in new wooden barrels does not taste good because the wood ruins the flavor of the whiskey.

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[8] Rav Niehaus (p.94) maintains, based on his understanding of the בית יוסף (קלה-טז), that second-fill casks would still be forbidden since the absorbed flavor of the non-kosher wine is not *batel*, but the simple understanding of the בית יוסף's discussion of the רא"ש seems to be that when non-wine drinks are placed in a barrel that had non-kosher wine placed there previously, the barrel may be used for kosher drinks after twelve months, even without *bitul*.

[9] Rav Akiva Niehaus writes that most wine experts argue on this point and feel that the wine itself enhances the flavor of the whiskey (see "Sherry Casks, a Halachic Perspective," p. 34).

But when aged in used wine barrels, the absorbed wine neutralizes the defective oak flavors, thus preventing the whiskey from absorbing the wood flavor from the barrel. Therefore, there is no actual sherry flavor absorbed in the whiskey, since the flavor merely prevents the flavor of the barrel from being absorbed.

III. Ingredients added for coloring

Regarding the color, the 56) (ח״ב-כח:יט) **מנחת יצחק**) *passkins* that the *halacha* that ingredients used for color are never *batel* applies only to biblical prohibitions, but with regard to rabbinic prohibitions (such as *stam yeinam*), Chazal did not apply that rule.

IV. *Bitul le'chatchilla*

Regarding the issue that whiskey is added deliberately to the sherry casks (or wine is added to the blended whiskey) there are a number of reasons why there is no issue of אין מבטלין איסור לכתחילה; we will mention two. First, since the majority of the customers are non-Jews, the companies are not considered deliberately being *mevatel* the prohibited item for Jews (though this would not help a kosher whiskey company that wants to use non-kosher sherry casks). Second, in 57) (יו״ד ח״א-סג) **אגרו״מ**), Rav Moshe *passkins* that the *halacha* of אין מבטלין איסור לכתחילה even for rabbinic prohibitions applies only to rabbinic prohibitions with a basis in the Torah. Today, when according to the *Rama* in קכג-א, the concern of libation does not exist (since non-Jews do not libate), the only concern of drinking *stam yeinam* is the prevention of intermarriage, which has no biblical source, and deliberately nullifying it is allowed.

Some have also suggested that since whiskey barrels are often charred or toasted before the whiskey is put inside, the absorbed sherry in the כדי קליפה is already burned out and rendered *batel.* However, in practice, most sherry casks are not charred, in order to maintain the sherry flavor.

V. Summary

To summarize, in order to allow first-fill sherry cask whiskey, we need to *passkin* like the following opinions:

1. The S"A and ט״ז, who hold that wine is *batel* in a 1:6 ratio, and the barrel only absorbs a כדי קליפה of wine. This is how Rav Moshe *passkins.*
    a. According to the ש״ך, however, who requires *shishim,* or at least six times the thickness of the wall (according to Rav Moshe), one would need six times the thickness of the barrel, which does not fit inside the barrel itself.

Second-fill whiskey is more lenient, and even the ש"ך may agree that after twelve months, the wine flavor is *batel*.

2. There is no issue of "something being added for flavor is not *batel*":
    a. **Rav Moshe** – the sherry flavor is קיוהא – weakened.
    b. **משנה הלכות** – the sherry merely offsets the negative flavor of the wood.
3. There is no issue of "something being added for color is not *batel,*" because that only applies to biblical prohibitions.
4. There is no issue of intentionally being *mevatel* a prohibition:
    a. The whiskey is made for non-Jews.
    b. Rav Moshe – You are allowed to intentionally be *mevatel* a rabbinic prohibition if it has no biblical basis, such as *stam yeinam* today, which is only forbidden because of intermarriage.

VI. How do we *passkin*?

Lema'ase, **Rav Moshe,** in 57) (סב-א"ח ד"יו) אגרו"מ), permits actual wine blended into whiskey, but writes that a "בעל נפש" should nevertheless be stringent. Rav Moshe also writes that he would refrain from drinking blended whiskey, but if offered at a public gathering, he would drink a *le'chaim* in order not to appear haughty. Rav Moshe offers several reasons why a "בעל נפש" should be stringent, but we will mention three. First, many hold that *stam yeinam* is still prohibited to benefit from. Therefore, the argument that "*bitul le'chatchilla* does not apply to rabbinic prohibitions with no Torah origins" is not valid. Second, even if the wine flavor is very weak and *halachically batel,* one still benefits from it when blended with the whiskey (and in our case, the sherry from the casks absorbed by the whiskey).[10] Lastly, according to the ש"ך, first-fill casks still do not have the required amount needed for *bitul*.[11]

Rav Belsky, in א-ה"כפ) **שולחן הלוי**), also *passkins* that a בעל נפש should not drink sherry cask whiskey based on the רשב"א that anything deliberately added for flavor is not *batel* (see קלד-יג). He notes that although Rav Moshe and the נודע ביהודה quoted in the פת"ש קלד סק"ח, allow *m'ikar ha'din,* it is still best to be *machmir,* especially since many other whiskeys are available. For this reason, the OU does not give a *hashgacha* on sherry cask whiskey or events serving it.

[10] If it is a second-fill cask, it would seem to be permitted, based on the S"A in קלה-טז.

[11] It should be noted, however, that Rav Dovid Feinstein in תקב-עמ"ב ח) ודברת בם) quotes from his father, Rav Moshe, that even a בעל נפש should be stringent only when actual wine is mixed. But if the prohibited wine is only absorbed in the walls of the barrel, as with sherry casks, even a בעל נפש does not need to be stringent.

The 58) (ח״י-קט) **משנה הלכות**) concludes his lengthy *teshuva* on the topic by writing that although one who is stringent should be blessed, *m'ikar ha'din* even first-fill sherry cask whiskey is permitted and one who drinks it does not require *teshuva.*

Rav Asher Weiss, in 59) (ח״א-מד מנחת אשר), also permits first-fill sherry cask whisky, either because the wine flavor is not really discernible, even for experts, or because the wine merely prevents the wood from imparting a negative taste. **Rav Shlomo Miller** of Toronto also permits sherry cask whiskey. *Lema'ase,* you should ask your Rav, though there is much more room to be lenient with second-fill whiskey.[12]

I. Grappa and Brandy

In this section, we will learn whether grappa and brandy, two alcoholic drinks with high alcohol content, require a *hechsher*. In order to understand the *halachic* status of these drinks*,* we first need to determine at what point juice that leaves the grapes receives the *halachic* status of wine, such that it would become prohibited if touched by a non-Jew.



Let us first understand how wine was pressed and processed in the times of Chazal and how it is produced today. In the times of *Chazal,* grapes would be brought to a גת – a wine press, where the ground of a selected area was carved into a shallow basin with a slanted floor leading into a pit. See the accompanying image. This shallow basin is where the grapes would be brought and stomped on, and the juice would flow into the pit, where it would ferment. There was also an option to block the flow of the juice while stomping and then open the drain afterward.

Today, when grapes arrive at the winery, the stems are removed and the grapes are crushed. In order to make red wine, red grapes are crushed and stored with their skins and seeds for at least 5 days. During this time, the wine develops its red color and fermentation begins. After this initial stage, the liquid is separated from the skins and seeds and aged in barrels for several months. In contrast, when producing white wine from white or green grapes, the skins and seeds are removed immediately after crushing, and the clear juice is set aside to begin the fermentation process.

[12] See here for a list of kosher whiskeys given by the Star-K: https://bit.ly/Whiskeylist

רב הונא in the 60) (נה:) **גמרא עבודה זרה**) teaches that the moment the juice is separated from the skin and seeds, it has the status of wine and will be forbidden if touched by a non-Jew. Rashi, as understood by Tosfos, explains that even if, within the *gat* itself (the shallow stomping basin), the grape skins and seeds were pushed to one side and separated from the juice, the juice is already considered wine.

The S"A in **סעיף יז** *passkins* that juice which is *nimshach* (separated) from the grape skins and seeds, even if separated within the *gat* itself (and certainly if it drained out of the *gat*; see לא) ש"ך)), is considered wine. The S"A adds that once the juice has separated to one side and is considered wine, even if the non-Jew merely touches the grape skins and seeds, everything becomes forbidden, provided the grape skins and pits are moist.

What emerges from here is that with regard to modern wine, during the initial stage of red wine production, while the juice remains mixed with the skins and seeds, the mixture cannot yet become forbidden if touched by a non-Jew.

The S"A in **סעיף יח** adds that if all the juice, grape skins, and seeds are mixed together in the *gat,* and one removes a clear cup of juice with the intention to separate it from the skins and seeds, or if one places a perforated basket (i.e., a filter) into the *gat* with the intention to separate the juice, that is considered *hamshacha,* and the entire *gat* becomes susceptible to the touch of a non-Jew (see לד-לה) **ש"ך**)). Thus, if a non-Jew separated the cup, everything becomes forbidden. However, the S"A continues, if one scoops up the juice together with the grape skins and seeds, that is not considered separation, and even if a non-Jew did so, everything remains permitted.

The 61) (פ"כ-יג) **בין ישראל לעמים**) *passkins* based on the בית יוסף that removing a cup from the *gat* only renders the juice forbidden if touched by a non-Jew with intent to begin the process of separating the juice from the skins and seeds. But if the intention is merely to test the sweetness or acidity of the juice, it is not considered the start of the *hamshacha* process that would make the wine in the *gat* susceptible.

The 61) (פ"כ-יד) **בין ישראל לעמים**) describes that today, when grapes are brought in trucks to the wineries, workers often reach in, crush a few grapes (some videos online show that this is often done by hand), collect some juice, and send it to a lab to test its sweetness. The remaining skin/seeds are usually thrown back into the truck. The בין ישראל לעמים (פ"כ-יד) *passkins* that ideally this should be done by religious Jews, but if done by a non-Jew it is permitted because the juice was only separated to be tested.

The S"A in **סעיף כא** *passkins* that a non-Jew who stomps on grapes forbids the grapes (even before *hamshacha*) lest he touch the juice with his hands (after

hamshacha).[13] The *Rama* clarifies[14] that this applies only in a *gat* where the juice can be drained away, but a non-Jew may stomp grapes in an ערבה – a pressing bucket with no drain, because the juice, skins, and seeds are all mixed together.

All of the above serves as an introduction that will enable us to understand whether grappa and brandy require a *hechsher*. Grappa is produced by collecting the seeds, skins and stems remaining after they have been separated from the wine and distilling them (heating them and collecting the alcoholic vapor). This creates a beverage with high alcohol content, sometimes close to 70%, which is then diluted with water to about 40%. Brandy, in contrast, is made by distilling wine or other fermented fruit juices to concentrate the alcohol content. Cognac is a type of brandy made from grapes grown in a specific region in France. See **video**: bit.ly/SCPbrandy.

The S"A in **סעיף כד** *passkins* that אגואה ארדיינטי – aguardiente, produced by a non-Jew, is prohibited. The *Rama* explains that this refers to the condensed steam of the wine, i.e., brandy, and it is forbidden because the steam of the wine has the same *halachic* status as the wine itself, which is already forbidden. The נד) **גר"א**) points to סימן צב-ח as the source for this *halacha* that steam emitted by food is *halachically* considered like the food itself. The S"A and *Rama* there *passkin,* based on the רא"ש, that if hot steam from milk in a dairy pot inside a *kirah* (olden day oven) emits hot steam that rises and comes into contact with a hot *fleishig* pot filled with meat placed on top of the *kirah*, the pot becomes forbidden.

The יז) **פת"ש**) *passkins* that a strong alcoholic beverage produced from the seeds and skins of wine is also forbidden. The פת"ש is referring to grappa, which is forbidden since the seeds and skins of the grape are already considered *stam yeinam* the moment the wine is separated from them, as we learned in סעיף יז.

Thus, in order for kosher grappa or brandy to be kosher, it must be produced under a reliable *hechsher*. However, once they are produced properly, **Rav Elyashiv** in 62) (קובץ תשובות ח"ב-מב:ג) *passkins* that if a non-Jew touches them, they remain permitted for two reasons. First, they are *mevushal* (because of the distillation), and second, the flavor has changed so significantly that it is no longer considered wine.

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[13] The מג) ש"ך) asks that the S"A in קכד-יא *passkins* that if a non-Jew touches wine with his feet, the wine becomes forbidden, while here the S"A writes that a non-Jew stomping grapes is forbidden only out of concern that he may touch the grapes by hand, implying that touching with one's feet is not considered touching. The ש"ך offers two answers. The first is that the S"A is discussing a wine press in which the stomper stands on a wooden plank while pressing the grapes. Had he actually stomped directly on the grapes, they would become forbidden (assuming there had already been *hamshacha*).

[14] According to the understanding of the מב) ש"ך). See, however, יד) ט"ז), who understands differently.

J. Drinking with Non-Jews

After discussing the *kashrus* of whiskey, bourbon, grappa and brandy, there are two more general issues that need to be discussed: 1) Is there a prohibition against drinking (non-wine) alcoholic beverages, such as beer, with non-Jews? 2) Is there a prohibition of attending a party of a non-Jew, even without participating in the drinking? In this section, we will discuss drinking with non-Jews, and in the next section we will discuss attending non-Jewish parties. As usual, we will begin with the earliest sources and work our way down to the modern-day *posskim.*

I. Reason for the prohibition

The 63) (לא:) **גמרא עבודה זרה**) assumes that non-Jewish beer is forbidden and asks why that should be the case. The Gemara suggests two possible explanations: either because it can lead to intermarriage, or because non-Jews would often keep their beer exposed overnight (which is dangerous; see S"A יו"ד קטז-א regarding *mashkim megulim*). The Gemara adds that רב פפא and רב אחאי held that the *gezeirah* was because of intermarriage, but רב פפא would nevertheless allow purchasing beer from a non-Jew and drinking it outside the store, while רב אחאי would only allow drinking it back in one's home.

Many *Rishonim* ask that if beer is forbidden because it may lead to intermarriage, similar to *pas akum, bishul akum* and *stam yeinam,* why does it suddenly become permitted when it is removed from the store or brought home? Bread baked by a non-Jew, food cooked by a non-Jew, and *stam yeinam* do not become permitted outside the non-Jew's home.

The *Rishonim* offer many answers to this question, but we will focus on one. The 64) (לא: ד"ה רב פפא) **רמב"ן**) writes that the prohibition against drinking a non-Jew's beer was added much later, and there was never any formal *gezeirah* enacted in *beis din* against it, as there was with bread, wine, and food cooked by a non-Jew. Rather, it was simply a practice that the *Amoraim* adopted as an additional safeguard against intermarriage. For this reason, its parameters are more lenient, and once the beer leaves the non-Jew's premises or enters the Jew's home, it becomes permitted.[15]

II. Leniencies Within the prohibition

[15] **Tosfos** ד"ה מפני also points out that the prohibition of drinking beer with a non-Jew does not appear in any Mishnah or ברייתא; rather, it was enacted later by the *Amoraim.*

As mentioned, since the prohibition of drinking non-Jewish beer was instituted much later than the bans on *stam yeinam*, *bishul akum*, and *pas akum*, it contains several built-in leniencies. For example, the prohibition applies only in a non-Jewish home. **Tosfos** 65) ד"ה ותרוייהו) adds three more leniencies:

1. If you are lodging in a non-Jew's house or inn, you are allowed to order beer from elsewhere in the city because the inn is considered your temporary home.
2. Even if the non-Jewish owner of the inn offers you his own beer, you are allowed to accept it to avoid animosity.
3. The prohibition applies only when drinking in a permanent or established manner, such as regularly drinking in a bar or in his home, but a one-time occurrence is permitted.

III. Which drinks are included in the prohibition?

Since the prohibition against beer began during the time of the *Amoraim,* the *Rishonim* dispute exactly which beverages were included. The 66) (קיד **טור**) *passkins* that all forms of beer are included in the prohibition, including date beer, wheat beer, barley beer and even non-alcoholic drinks. The 67) (קיד **בית יוסף**) writes that according to Tosfos ד"ה ותרוייהו, only alcoholic drinks are forbidden, such as date, wheat, and barley beer. The **מרדכי** argues that the prohibition is limited even further and only included date beer, which was common at the time the *Amoraim* forbade beer, but wheat beer and barley beer are permitted, even in the home of a non-Jew.

IV. How do we *passkin*?

The S"A in 68) **סימן קיד-א**) *passkins* like Tosfos that all forms of beer made by a non-Jew, including those made from dates, figs, barley, and even honey drinks, are forbidden because drinking them may lead to intermarriage. The S"A is quoting the language of the רמב"ם, who explains that the prohibition of drinking beer was enacted to prevent dining with non-Jews, and for this reason, the beer is only prohibited when consumed at a non-Jewish establishment and not in a Jew's home. The ד) **גר"א**) quotes the טור, who explains that the "honey drink" mentioned by the S"A refers to a prominent non-alcoholic beverage, for that, too, can lead to having a meal together.

The S"A adds, based on Tosfos, that these drinks are only forbidden when consumed in a permanent manner in the place they are sold. But if they are drunk in a casual/sporadic manner at a non-Jew's home, or regularly in one's own home, they are permitted. Furthermore, a Jew who is staying in a non-Jew's home may order these drinks from elsewhere in the city because that is considered his temporary home. The

ב) **ש״ך**) adds that even if the host offers the Jew a drink, he may accept it in order to avoid animosity.

The 69) (קיד-סק״ו **כף החיים**) quotes the פרי חדש, who explains that based on the wording of the S"A, two conditions are necessary in order to permit drinking a beer in a non-Jewish location: 1) It must be done in a non-permanent manner (e.g., while standing or in a manner that shows you are not staying), and 2) it must not be done consistently. However, drinking in a permanent manner in a non-Jewish establishment, even once, is forbidden, and even drinking in a non-permanent manner is prohibited if it is done consistently. The כף החיים writes that three times is considered consistent.[16]

The *Rama* (68) argues on the S"A and *passkins* like the מרדכי that only date beer is prohibited in a non-Jewish home, since that was the beverage commonly consumed when the decree was enacted, but all other forms of beer (and kosher alcoholic beverages) are permitted. The *Rama* adds that this has become the accepted custom; therefore, many Jews drink beer (or other alcoholic kosher beverages) with non-Jews in non-Jewish establishments. However, the ח) **גר״א**) writes that all the *Rishonim* argue on this opinion of the *Rama* and *passkin* that all beer is included in the prohibition. The only alcoholic drinks permitted are apple and pomegranate wine, which are very uncommon, but all other common alcoholic drinks are forbidden. It should be noted that the **דרכי תשובה**) קיד-סק״ז) permits hard alcohol, such as cognac, rum, and maybe even whiskey, since they are more expensive and not as common.

To summarize:

- S"A – drinking any type of beer or non-alcoholic[17] drink in the home or establishment of a non-Jew is prohibited because it may lead to having a meal with him, which could lead to intermarriage. However, there are three instances in which one may be lenient:
    - If it is drunk in a non-permanent manner and on a non-consistent basis, it is permitted even in a non-Jewish establishment.
    - If the Jew orders a beer to his hotel room from elsewhere, it is permitted.
    - If not accepting the beer would cause animosity, it may be drunk (ש״ך).
- *Rama* – The prohibition only applies to date beer, but beer from barley or other beverages is permitted. The גר״א rejects the leniency of the *Rama.*

[16] It is unclear from the כף החיים if he is referring to three times a week, month or year.
[17] According to the גר״א's understanding.