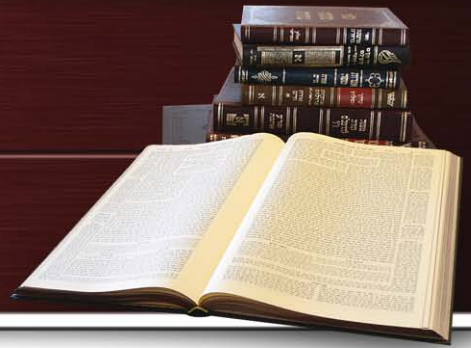


# HALACHICALLY SPEAKING



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## THE HALACHOS AND KASHRUS OF MEDICATIONS PART 1

Nowadays when one is not feeling up to par he takes a few medications and with *Hashem's* help feels better

within a couple of days and goes back to his regular routine. There are many *halachic* issues with regard to medications which need to be addressed. Is a *beracha* recited on pleasant tasting medication such as cough syrup? Does one have to recite a *beracha* on water when ingesting a pill? Can one walk into the bathroom with medicine? Can one take pills on *Shabbos*? Is it permitted to take a gel-cap? Can one take liquid medication which is full of flavors? What about vitamins? These issues will be dealt with at length in the upcoming issues.

### **Beracha on Medication**

A *beracha* is not recited on food which is eaten to heal if one does not have enjoyment from the food. However, if one does have enjoyment from the food, a *beracha rishona*



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and *achrona* (see below) is recited.<sup>1</sup> Even if one does not want the good tasting food and is only eating it because he is ill, since he has enjoyment from it a *beracha* is recited.<sup>2</sup> Examples of medicines which require a *beracha* due to their pleasant taste are herbal teas and cough drops.<sup>3</sup>

### Medicine mixed with Sweeteners

Some say even if the medicine itself does not have flavor, but is mixed with other ingredients (sweeteners) that have flavor, one still recites a *beracha* on the medicine.<sup>4</sup>

The reason for this opinion is because the mixture tastes pleasant and we do not look at the medicine before the taste was placed into it.<sup>5</sup> This is the opinion of many *poskim*.<sup>6</sup>

Some say if one consumes a medicine which contains sweeteners (and if not for the need of the medicine one would not consume the sweeteners, then no *beracha* is required.<sup>7</sup> Others say no *beracha* is recited because such sweetener is only a *tafel* to the actual medication and if no *beracha* is recited on the *ikur*, then one does not recite a *beracha* on the *tafel*.<sup>8</sup> Nonetheless, others disagree with this reasoning and maintain that a *beracha* should be recited even in this situation.<sup>9</sup> Since there is a dispute in this regard,

1. Mesechtas Berochos 38a, Tosfas Mesechtas Berochos 36a “k’von,” Meiri Mesechtas Berochos 35b, Tur 204, Shulchan Aruch 204:8, Shulchan Aruch Harav 204:14, Chesed L’alafim 204-205:5, Igros Moshe O.C. 1:82.
2. Mishnah Berurah 43.
3. V’sein Beracha page 200. Refer to Ateres Shlomo 8:page 110. This is the opinion and custom of Harav Pinchus Bodner Shlita (Personal telephone conversation with Harav Bodner Shlita).
4. Opinion of Harav Elyashiv Shlita as expressed in Vezos Ha’beracha page 113.
5. Vezos Ha’beracha Birur Halacha page 310.
6. Refer to Da’as Torah 204, Vezos Ha’beracha pages 310-311 in depth, opinion of Harav Ovadia Yosef Shlita quoted in Nishmas Avraham (English) page 89:footnote E.
7. Opinion of Harav Shlomo Zalman Aurbach zt”l quoted in Vezos Ha’beracha pages 113-114, and in V’sein Beracha page 201:footnote 15.1. See explanation of this opinion in Vezos Ha’beracha page 312. Refer to Pnei Ha’shulchan page 151-152, Nishmas Avraham 1:204:page 91, Shemiras Shabbos K’hilchoso 40:footnote 191, Nishmas Avraham 1:page 90 (English), Ateres Shlomo 8:page 111. In the Halichos Shlomo Yom Kippur 5:footnote 42 it states that Harav Shlomo Zalman Aurbach zt”l retracted his previous position with regard to not reciting a *beracha* on sweetened medication. Refer to Vezos Ha’beracha page 356:9 notes of Harav Forst Shlita on Vezos Ha’beracha. The opinion of Harav Pinchus Bonder Shlita is that no *beracha* is recited on pleasant tasting cough syrup based on the *pesak* he heard from Harav Shlomo Zalman Aurbach zt”l (Personal telephone conversation with Harav Bodner Shlita).
8. Opinion of Harav Neuwirth Shlita quoted in Nishmas Shabbos 4:204, Shemiras Shabbos K’hilchoso 40:footnote 191. Refer to Halacha U’refuah 3:pages 282-284 in depth. However, see Mishnah Berurah 174:39 and 212:1 who says the *halacha* is that a *beracha* is recited on the *tafel*. See Pischei Halacha (Berochos) page 246 who disputes the claim that the reason why no *beracha* is recited here is because no *beracha* is recited on the *tafel*. Refer to Rivevos Ephraim 4:54:39.
9. Harav Yisroel Belsky Shlita, opinion of Harav Elyashiv Shlita quoted in Vezos Ha’beracha page 114, and in V’sein Beracha page 200:footnote 15, opinion of Harav Ovadia Yosef quoted in Yalkut Yosef 204:10:footnote 10, opinion of Harav Feinhandler Shlita (Avnei Yushfei in a personal e-mail). Refer to Igros Moshe O.C. 1:82, Pischei Halacha (Berochos page 246). Others say that it could be that Harav Elyashiv Shlita held this only in regard to medicine that is thoroughly enjoyed (Refer to Journal of Halacha and Contemporary Society 53:page 77:footnote 43).

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one should recite a *beracha* on a different *shehakol* food and have in mind to exempt the medicine.<sup>10</sup>

According to all opinions, medicine for children which is sweet like candy would require a *beracha*.<sup>11</sup>

### No *Beracha* Required

One who is forced to eat or drink something does not recite a *beracha* even if it tastes pleasant since he was forced to do so.<sup>12</sup>

A bad tasting food does not require a *beracha* before eating it.<sup>13</sup>

### How Much to Eat or Drink?

Some *poskim* are of the opinion that one does not recite a *beracha* on a pleasant tasting medicine unless one ate a *kezayis* or drank a *reviis* of it. The reason for this is that just as one who tastes food does not recite a *beracha* unless a *kezayis* or *reviis* is consumed; the same applies for medications, since one does not have intent for eating.<sup>14</sup> Nonetheless, the *poskim* do not make this comparison and therefore, a *beracha* on pleasant tasting medicine would be required regardless of the amount being consumed since one's intent is to swallow the medicine as opposed to the "tasting" case where one does not intend to have enjoyment.<sup>15</sup>

### Which *Beracha Rishona*?

The *Rama*<sup>16</sup> says any food which a healthy person does not eat requires a *shehakol* if taken as medication, regardless of the food's real *beracha*.<sup>17</sup> Others say one should recite the appropriate *beracha*.<sup>18</sup> The *Mishnah Berurah*<sup>19</sup> maintains that one should avoid this situation when possible.<sup>20</sup>

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10. Piskei Teshuvos 204:footnote 75.

11. Pischei Halacha (Berochos) page 68:footnote 39 alef.

12. Shulchan Aruch ibid, Kaf Ha'chaim 49, see Magen Avraham 20 Taz 12, Aruch Ha'shulchan 19. Refer to Mishnah Berurah 204:44 who maintains if one is forced to eat bread and he is satisfied he should *bentch* since it is *d'oraisa*.

13. Bais Yosef, Magen Avraham 19, Mishnah Berurah 43, Kaf Ha'chaim 48.

14. Refer to Shevet Ha'kehusi 3:84:3.

15. Refer to Mikroei Kodesh Pesach 2:page 144, Halacha U'refuah page 278, Pischei Halacha (Berochos page 66:footnote 38), Chazzon Ovadia Berochos page 159:footnote 6.

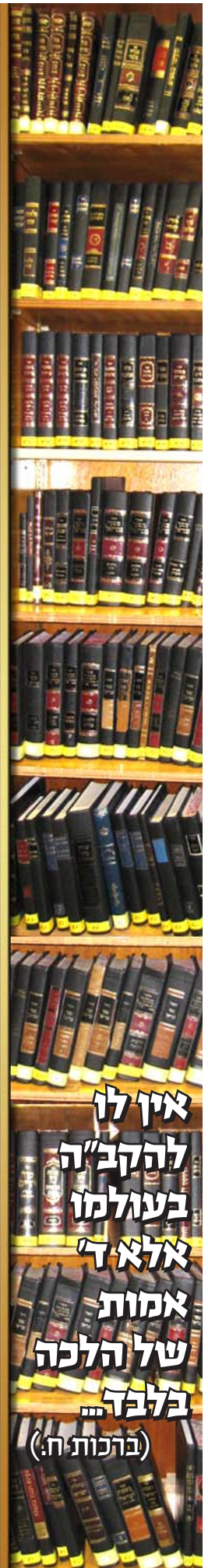
16. 204:11. Refer to Aruch Ha'shulchan 22.

17. Aruch Ha'shulchan 22. Refer to Mishnah Berurah 54. The Shar Ha'tzyion 45 says this applies to medicine which was made from the five grains as well. Refer to Halacha U'refuah 3:page 284.

18. Magen Avraham 24, Mishnah Berurah 55, Igros Moshe O.C. 1:82.

19. 212:4-5.

20. Some say one should eat the other food before the medicine and then consume the medicine (Halacha U'refuah 3:page 284).



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## *Beracha Achrona*

One who recited a *shehakol* on a medication would be required to recite a *beracha achrona* if the proper *shiur* was consumed.<sup>21</sup>

## Listerine Pocketpaks®

For years people have been erroneously consuming Listerine Pocketpaks® without a *hechsher*, but obviously this product needs a *hechsher*,<sup>22</sup> especially since it is digested in the stomach.<sup>23</sup> Recently, this product became available with a *hechsher*. The question arises if this product requires a *beracha* prior to placing it in one's mouth. Many people do not recite a *beracha*. However, even though this product melts in the mouth, it is swallowed and therefore, according to some *poskim* a *beracha* of *shehakol* should be recited before placing it in the mouth.<sup>24</sup> Others maintain that a *beracha* does not need to be recited.<sup>25</sup>

The company says that there is nothing unsafe with swallowing it since there is no alcohol in the product.<sup>26</sup> If one uses a breath mist (with a *hechsher*) then one does not recite a *beracha* on it, instead one should make a *shehakol* on a different food.<sup>27</sup>

## Pills which are swallowed

If there is no flavor on the coating on a pill, no *beracha* is recited because there is no enjoyment from the pill. In addition, swallowing medication without chewing it first is not the normal manner of consumption and is not viewed *halachically* as eating. Furthermore, it is possible that these pills are not fit to be eaten<sup>28</sup> and therefore do not require a *beracha*.<sup>29</sup> Some say this even applies to a pill which has a sweet coating; since one swallows it no *beracha* is recited.<sup>30</sup>

21. Halacha U'refuah page 278.

22. See [www.koltorah.org](http://www.koltorah.org) quoting the opinion of Rabbi Chaim Jachter Shlita.

23. Opinion of Harav Yisroel Belsky as expressed in OU document I-98:page 2.

24. Harav Yisroel Belsky Shlita, opinion of Harav Forscheimer Shlita (personal telephone conversation), and Harav Doniel Neustadt Shlita.

25. Opinion of Harav Pinchus Bodner Shlita, Harav Ephraim Greenblatt Shlita (Personal telephone conversations). Harav Forst Shlita says if one is taking it for flavor then a *beracha* is recited, but if it is for fresh breath but not for the flavor in the mouth then no *beracha* is recited. The opinions of Rabbi Wikler Shlita, Harav Felder Shlita, Harav Fuerst Shlita (personal telephone conversations with the aforementioned *rabbonim*). This is the opinion of Harav Yisroel Reisman Shlita (as related by Rabbi Shimon Newmark).

26. Based on a conversation with Lisa at the Johnson and Johnson Company.

27. Harav Yisroel Belsky Shlita.

28. Refer to Mesechtas Avodah Zarah 67-68, Mesechtas Pesachim 21b and 45b. In addition see Shulchan Aruch Y.D. 103, and Y.D. 155:3.

29. Shulchan Aruch 202:2, see Chazzon Ovadia Berochos page 158, Piskei Teshuvos 204:18:footnote 70.

30. Vezos Ha'beracha page 311, Piskei Teshuvos 204:18, see Nishmas Avraham 4:204:footnote 1. In regard to vitamins, refer to Pischei Halacha (Berochos) page 68:footnote 39 alef, Beracha Achrona (Boreh Nefoshos) page 201. Refer to Nishmas Avraham (English) pages 89-90 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l that a *beracha* is required. See Ateres Shlomo 8:page 111. The same applies to vitamins (Yalkut Yosef 3:page 436).

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Some say if one is taking a pill in order for one to lose weight and by taking the pill it makes one feel full, then one should recite a *beracha* on the pill since it is instead of food.

Nonetheless, the *poskim* suggest one makes a *beracha* on something else instead.<sup>31</sup>

### Chewable

A chewable pill which has a pleasant taste requires a *beracha* according to those who recite a *beracha* on pleasant tasting medications.<sup>32</sup> One should recite a *shehakol* on a different food before consuming flavored Tums® that have a *hechsher*.<sup>33</sup>

### Intravenous

One who receives food in a liquid form through intravenous does not recite a *beracha* on the food.<sup>34</sup>

### Drinking before a Procedure

Many times before a medical procedure is performed one is given something to drink. This drink does not necessarily taste good on its own, but sweeteners are added to it. The status of whether a *beracha* would be recited is dependent on the both opinions mentioned above.<sup>35</sup> One who is given something to eat before a procedure would recite a *beracha* on the food.<sup>36</sup>

### Drinking Water for Medical Purposes

When one is taking a pill that does not taste pleasant and wants to drink water to mask the bad taste, no *beracha* is recited on the water.<sup>37</sup> The same is true if one is taking a pill and is not thirsty.<sup>38</sup> Before a woman goes for an ultra sound/sonogram she

31. Piskei Teshuvos 204:footnote 70.

32. Piskei Teshuvos 204:18:footnote 74.

33. Harav Yisroel Belsky Shlita. The Diamond – K *hechsher* on Tums may be relied upon (Harav Yisroel Belsky Shlita). One may not use Tums on *Pesach* if they are not certified for *Pesach* (Harav Yisroel Belsky Shlita).

34. Tzitz Eliezer 13:35:3, Vezos Ha'beracha page 113 quoting the opinion of Harav Elyashiv Shlita.

35. Refer to Journal of Halacha and Contemporary Society 53:page 74:footnote 36.

36. Nishmas Avraham 4:204:pages 7-8 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l.

37. Aruch Ha'shulchan 204:18, Pnei Ha'shulchan page 146, Piskei Teshuvos 204:footnote 64, Binyan Sholom (old print) page 96, Ateres Shlomo 8:page 111. Refer to Sheilas Rav 2:18:5. If one places water in liquid medicine to make it taste better no *beracha* is recited on the water (Sharei Ha'beracha 18:footnote 76). If one needs to drink water for medical purposes and he is not thirsty he should recite a *beracha* on something else and have in mind to exempt the water from a *beracha* (Harav Yisroel Belsky Shlita, see Eishel Avraham Butchatch 204:7).

38. Ben Ish Chai Mattos 1:12, Aruch Ha'shulchan 204:18, Miyum Ha'halacha 22, Rivevos Ephraim 6:76, Pischei Halacha Berochos 4:8, Oz Nedberu 10:22. Harav Shlomo Zalman Aurbach zt"l maintains one may drink more water than needed for a pill and a *beracha* would not be required on that water either (Ve'aleihu Lo Yeibol 1:pages 110-111).



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is asked to drink water. No *beracha* is recited on the water.<sup>39</sup> It would seem that a nursing woman, who needs to drink a lot of water, would not recite a *beracha* on the water if she is not thirsty.<sup>40</sup> However, others maintain that she should take food whose *beracha* is *shehakol* and exempt the *beracha* on the water.<sup>41</sup> Many times, after one brushes his teeth or rinses with mouthwash, he drinks water to rinse out his mouth, one does not recite a *beracha* on such water.<sup>42</sup> If one has a sore throat and drinks water to clear his throat, it would seem that a *beracha* is not recited.<sup>43</sup> (In all the above situations, if one is thirsty, a *beracha* is recited). One who drinks a tasty beverage to take his pill would recite a *beracha* on the beverage.<sup>44</sup>

### Medicine mixed with a food or water

It is very common to take a powdered medicine and mix it with a food or water. Some may say that since the food which the medicine is mixed into is a *tafel*, no *beracha* is recited. Nonetheless, others say one should recite a *beracha* on the mixture.<sup>45</sup> If the food (not medicine) is not a *shehakol*,<sup>46</sup> the *Rama*<sup>47</sup> holds the *beracha* is a *shehakol* regardless of the *beracha* of the food, while others argue with this ruling.<sup>48</sup> The *Mishnah Berurah*<sup>49</sup> maintains that one should avoid this situation when possible.<sup>50</sup>

### Medicine taken during a Meal

When one consumes a medicine during a meal a separate *beracha* is required since the medicine is not part of the meal.<sup>51</sup>

### Medicine in Pocket While Sleeping

Food that was in one's pocket while he was sleeping may be eaten.<sup>52</sup> The same *halacha*

39. Refer to Yufei Leleiv 204:10, Sdei Chemed Berochos 33:page 260, Me'am Loez Yisro 247:page 580, Pnei Ha'shulchan page 146, Sharei Ha'beracha 18:footnote 76.

40. Refer to Toras Hayoledes 62:3, Beracha Achrona page 196:5.

41. Toras Hayoledes ibid.

42. Sharei Ha'beracha 18:footnote 76.

43. Harav Yisroel Belsky Shlita.

44. Chesed L'alafim 204-205:4, Mishnah Berurah 204:42, Ateres Shlomo 8:page 111, Yalkut Yosef 204:page 436.

45. Refer to Journal of Halacha and Contemporary Society 53:pages 78-79.

46. For example chunky applesauce.

47. 212:1.

48. Refer to Magen Avraham 4, Gr'a, Mishnah Berurah 4-5, 10, see Taz 7. Refer to Halacha U'refuah 3:page 284.

49. 212:4-5.

50. Some say one should eat the other food before the medicine and then consume the medicine (Halacha U'refuah 3:page 284).

51. Shevet Ha'kehusi 3:78.

52. Salmas Chaim 2:7, Rivevos Ephraim 4:7, Shevet Ha'kehusi 2:242, see Yufei Leleiv Y.D. 3:116:6, Yabea Omer Y.D. 1:9:23.

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goes for medicine that was in one's pocket.<sup>53</sup>

### Storing food under a bed

Since there is *ruach ra'ah* under a bed one should not store food under a bed.<sup>54</sup> However, one is allowed to store medicine under a bed and there is no concern of *ruach ra'ah*.<sup>55</sup>

### Taking Medicine into the Bathroom

It is permitted for one to walk into the bathroom with a pill etc.<sup>56</sup> In addition it is permitted to keep medicines in a medicine cabinet that is in the bathroom,<sup>57</sup> but one should not take his medicine with water in a bathroom.

### Reciting a *Tefilla* before taking Medication

Some have a custom before taking medication to recite a *yehi ratzon* that all should be well.<sup>58</sup> This *tefilla* may be recited on *Shabbos* and is not a concern of asking for personal needs on *Shabbos*.<sup>59</sup>

### Medicine after Candle Lighting before *Kiddush*

One is permitted to drink water while taking a pill on *Shabbos* after candle lighting before *kiddush*.<sup>60</sup>

### Carrying a Pill

One who needs to carry a pill on *Shabbos* in a place which does not have an *eiruv* should ask his *Rav* before doing so.<sup>61</sup>

### Cutting Pills on *Shabbos*

One is permitted to cut a tablet in half on *Shabbos*, and there is no concern of "*mechatech*" (cutting) on *Shabbos*.<sup>62</sup>

53. Tzitz Eliezer 17:35, Rivevos Ephraim 6:4, Shevet Ha'kehusi 2:245, Tosfas Orah page 421:3, see Nezer Ha'chaim page 217:165, Doleh U'mashka page 367.

54. Shulchan Aruch Y.D. 116:5.

55. Tzitz Eliezer 17:32. Some say if it is a medication which one recites a *beracha* on because of its pleasant taste then it should not be placed under a bed (Shevet Ha'kehusi 2:245, see 3:229:2).

56. Be'er Moshe 8:41.

57. Rivevos Ephraim 1:8:2, 2:6, Teshuvos V'hanugos 1:11, Be'er Moshe 8:41.

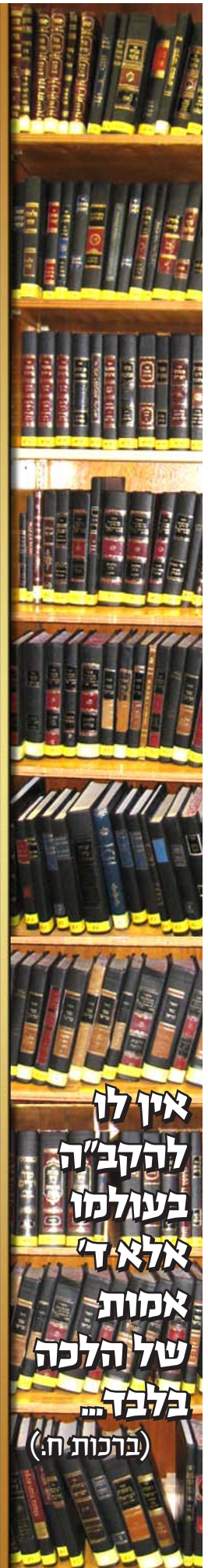
58. Refer to Shulchan Aruch 230:4, Magen Avraham 6, Mishnah Berurah 6. Some say saying the *yihy ratzon* exempts one from the *beracha* that one would recite on a sweet medication (Refer to Ateres Shlomo 8:page 111, Nishmas Avraham 204:page 91).

59. Refer to Shar Ha'tzyion 230:8, Bakashas B'Shabbos page 27:footnote 15. See Betzel Hachuchma 5:41.

60. Refer to Minchas Yitzchok 8:18, Shevet Ha'kehusi 1:109, Nishmas Shabbos 2:9.

61. Refer to Shemiras Shabbos K'hilchoso 40:7, Tzitz Eliezer 13:34.

62. Shemiras Shabbos K'hilchoso 33:4, Shulchan Shlomo 314:13:3, Avnei Yushfei 4:58 quoting the opinion of Harav Elyashiv Shlita. Refer to *ibid*:footnote 30 for the reason.



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## Taking Medicine on *Shabbos*<sup>63</sup>

There are different categories of people who may not feel well on *Shabbos*. We will only deal with the category of people who do not feel well on *Shabbos*, but are not in danger (*sakana*). One who may have a headache or a runny nose (slight discomfort) is not permitted to take medication.<sup>64</sup>

*Chazal* made a *gezeirah* that one is not allowed to take medications on *Shabbos* because one may come to grind it which is forbidden because of *tochain*.<sup>65</sup>

The area of taking medications on *Shabbos* will *iy''h* be discussed in a later issue. Two areas which arise are, if one is prescribed medication for a week or two can he take it on *Shabbos*? In addition, is the consumption of over the counter painkillers permitted on *Shabbos*?

Many times one is prescribed medication for more than a week's time for a slight ailment in which case he would have to take the medicine on *Shabbos* as well. The question is if one is permitted to take his medication even on *Shabbos*? The opinion of many *poskim* is that when one is prescribed medication for more than a week's time one is permitted to continue taking it on *Shabbos* as well, even if he would otherwise not be permitted to take medicine on *Shabbos*.<sup>66</sup> Others are more lenient and permit one to take the medication on *Shabbos* even if he started taking the medication a day or two prior to *Shabbos*.<sup>67</sup> The opinion of *Harav Moshe Feinstein zt''l*<sup>68</sup> is to be stringent with this and he does not permit the taking of any medications in the aforementioned situation (unless one is in danger).

The *halacha* is that a food which is not necessarily meant for *refuah*, but is taken by healthy people may be consumed on *Shabbos* by a person who has a slight ailment.<sup>69</sup>

63. The same *halacha* applies to the first day of *Yom Tov* (Refer to Magen Avraham 532:2, Chai Adom 23:1, Kitzur Shulchan Aruch 98:33, Mishnah Berurah 532:5, Yom Tov Shenei K'hilchoso 1:22, Nishmas Avraham 1:pages 275-276) and both days of *Rosh Hashanah* (Nishmas Avraham 1:600:1, see Shemiras Shabbos K'hilchoso 31:28, Yom Tov Shenei K'hilchoso 1:22:footnote 76, Shevet Ha'kehusi 1:156 )

64. Shulchan Aruch O.C. 328:1, see Nishmas Avraham 1:328:page 163.

65. Refer to Mesechtas Shabbos 52b, Tur O.C. 328, Shulchan Aruch 328:1. In regard to taking mouthwash on *Shabbos* see Be'er Moshe 1:page 78, Rivevos Ephraim 2:page 192:23, 3:536:6, 4:97:5, 6:195, Nishmas Shabbos 5:318, Cheshev Ha'efod 2:59. Refer to Shevet Ha'kehusi 2:151 if one recited a *beracha* on medicine on *Shabbos* and then realized he is not allowed to take it. In regard to the idea that today may be different because we do not crush medicine in our homes but only in a pharmacy etc see Ketzos Ha'shulchan 134:badi 7:2, Tzitz Eliezer 8:15:15:1,4.

66. Refer to Shemiras Shabbos K'hilchoso 34:footnote 76, chelek 3:34:footnote 76, Da'as Chazzon Ish 7:19, Dinim V'hanugos Chazzon Ish 15:1, Shulchan Shlomo 328:59, Be'er Moshe 1:33:8, 4:31, Avnei Yushfei 1:90:3, Rivevos Ephraim 3:227, 4:97:54, 5:202, Oz Nedberu 1:31:5, 4:24, Tzitz Eliezer 8:15:15:17:pages 147-148. Refer to Rivevos Ephraim 1:222:10 in regard to taking a suppository on *Shabbos*.

67. Refer to Kovetz Teshuvos (Harav Elyashiv Shlita) 1:40:2, Chut Shuni 4:page 153.

68. Igros Moshe O.C. 3:53. Refer to Da'as Torah 328:37 who is stringent.

69. Shulchan Aruch O.C. 328:37, Aruch Ha'shulchan 48. Refer to Mishnah Berurah 117-118. See Ketzos Ha'shulchan 134:16:pages 31-32 in depth on what constitutes a health persons food.

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Many *poskim* are of the opinion that Tylenol® and other aspirin should not be taken even though healthy people may take them as well.<sup>70</sup> However, if one is in great pain then taking them is permitted.<sup>71</sup>

Some say that a multi-vitamin that one takes everyday is permitted since it is a food and not a *refuah*.<sup>72</sup>

### Ripping the Packaging of a Medicine

According to the opinion of some *poskim*, on *Shabbos* one should rip the wrapping around a medication by destroying it and making it useless.<sup>73</sup>

### Taking Pills on a Fast Day

On a fast day one that is not feeling well and wants to take a pill is permitted to do so. Some say one should wrap the pill in a tissue before swallowing it.<sup>74</sup> Some *poskim* say that one may not use water to swallow a pill.<sup>75</sup> (However, if one's doctor instructs him to take a pill on a fast day then even according to this opinion using a little water is permitted).<sup>76</sup> Others say if one cannot take a pill without water then one may use a little water.<sup>77</sup> One should avoid this if possible on *Tisha B'av*, and on *Yom Kippur* since using water in order to swallow a pill is forbidden.<sup>78</sup> One is permitted to take a medication before a fast if it will enable him to have an easier fast.<sup>79</sup>

There is a discussion in the *poskim* if one is allowed to use mouthwash on the morning of a fast day. Some *poskim* are stringent,<sup>80</sup> while others say if one will have bad breath then it is permitted.<sup>81</sup>

70. Minchas Yitzchok 3:35:2, Be'er Moshe 1:33:5, 2:32, 6:39, Shraga Hameir 2:40, Refuas Yisroel page 16:footnote 42. Refer to Divrei Chachumim pages 137-138:389 who quotes a lenient opinion.

71. Minchas Yitzchok *ibid*, Be'er Moshe *ibid*, Refuas Yisroel page 16:footnote 42.

72. Opinion of Harav Yaakov Kamenetsky zt"l quoted in Divrei Chachumim page 137:footnote 389, Shemiras Shabbos K'hilchoso 34:footnote 85. In regard to regular vitamins see Divrei Chachumim pages 137-138, Igros Moshe O.C. 3:54, Nishmas Avraham 1:328:pages 212-213, Shulchan Shlomo 328:58, Tzitz Eliezer 14:50, Oz Nedberu 6:72, Be'er Moshe 1:33, Shalmei Yehuda 10:footnote 51. In regard to the *muktzah* status of pills and other medications see Minchas Shabbos 88:footnote 77, Har Tzvi tal harim tochain 2, Shalmei Yehuda 10:15:footnote 46, Zera Yaakov 13:page 153, Nachlas Yisroel pages 633-650 in depth, Shulchan Shlomo 318:7:2:page 298, Ohr Yisroel 6:pages 17-20, Aruch Ha'shulchan 308:59, Bais Avi 3:52, Avnei Yushfei 5:62.

73. Nishmas Avraham 1:340:5:page 245.

74. Halichos Shlomo Moadim 2:13:footnote 8.

75. Nishmas Avraham 550:4.

76. Harav Yisroel Belsky Shlita, Halichos Shlomo Moadim (Pesach etc) 16:3, Nishmas Avraham 5:page 46.

77. Harav Yisroel Belsky Shlita, see Teshuvos V'hanhugos 3:156.

78. Harav Yisroel Belsky Shlita, see Teshuvos V'hanhugos 3:156.

79. Nechamas Yisroel 27:22.

80. Harav Yisroel Belsky Shlita, see Kinyan Torah 2:49:2, Modanei Yeshurin page 108, Chai Ha'Levi 5:48, Divrei Chachumim page 166:471 quoting the opinion of Harav Sheinberg Shlita. Some say if there is a need, brushing ones teeth is permitted (Divrei Chachumim *Ibid*).

81. Be'er Moshe 8:94. Refer to Minchas Yitzchok 4:109.



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Taking Listerine Pocketpacks® (that have a *hechsher*) is not permitted on a fast day since one swallows the liquid which melts in the mouth.

## Consuming Gelatin and Gel-caps

When one walks down the aisles in a pharmacy he may see many pills which contain a gelatin coating. This issue involves the discussion of gelatin. Below we will discuss what gelatin is and what its *kosher* status is, and how it applies to ingesting gel-caps.

### What is Gelatin?<sup>82</sup>

Gelatin is a protein which is derived from a naturally occurring protein known as collagen. Collagen is the component of animal connective tissue, bones, sinews and skin. Gelatin does not have any taste to it. Gelatin is widely used in the pharmaceutical industry to coat capsules as well as hold tablets together. In addition, gelatin is used in marshmallows, yogurt, ice cream, jello,<sup>83</sup> to remove cloudiness or haze in apple juice,<sup>84</sup> in gummy bears, throat lozenges, frostings, protein supplements, and sugar glazes.<sup>85</sup>

### How is it Manufactured?

The source of gelatin is almost always the bones or hides of non-*kosher* animals. To improve the quality of the process, the raw material is pretreated by soaking the hard bones in a mixture of lime and water between 70-120 days. Soft bone and hides are treated with a five percent concentration of mineral acids for ten to thirty hours. Gelatin is then extracted from the pretreated material in a process which is like cooking. The bones are warmed in a series of runs at increasing temperatures. Eventually gelatin liquor is formed, which is then filtered and evaporated to remove the water and concentrate the liquor. The liquor is then cooled to form a gel. The gel is dried and cut into desired shapes.<sup>86</sup>

The *poskim* discuss many reasons why consuming gelatin may be permitted. Each one will be dealt with below.

### Bones from non-Kosher animals

The *Toras Kohanim*<sup>87</sup> says the *posuk* “from non-pure animals one should not eat their flesh”<sup>88</sup> excludes bones, sinews, and hooves. There is a discussion if there is no *issur*

82. Gelatin comes from the Latin word “gelatus” which means stiff or frozen.

83. Refer to Gelatin in Jewish Law pages 10-14.

84. [www.oukosher.org](http://www.oukosher.org).

85. Star-K in Kashrus Kurrents in an article by Rabbi Mushell. This article can be seen at <http://www.star-k.org/kashrus/kk-palate-gelatin.htm>.

86. Refer to Medicines and Kashrus page 16, Gelatin in Jewish Law pages 15-22 in great depth, Yabea Omer Y.D. 8:11. See Journal of Halacha and Contemporary Society 30:page 67:footnote 2 who maintains that most gelatin today is from pig skins.

87. Parshas Sheminei 2:4.

88. Vayikra 11:8.

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at all, or if there is an *issur d'rabanan* to consume the above items. The *Rambam*<sup>89</sup> is of the opinion that “one who eats from a non-kosher animal, it’s skin, bones, sinews, horns, hooves, or nails, even though they are forbidden, is excused from punishment.” It seems from the opinion of the *Rambam* that bones are forbidden *d'rabanan*, while others maintain that he does not seem to imply even an *issur d'rabanan*.<sup>90</sup> The opinion of *Tosfas*<sup>91</sup> who talks about permitting bee legs implies that bones are indeed permitted.

The opinion of some *poskim* is that the *Rambam* when implying that an *issur d'rabanan* exists for bones was referring to soft bones which have some moisture to it, but hard and dry bones are permitted even according to the *Rambam*.<sup>92</sup>

### The Gelatin has changed

The *Mishnah Berurah*<sup>93</sup> and others<sup>94</sup> say regarding “musk,” which is a byproduct of blood that is found in the neck of a deer, we can consider it “changed,” since the blood is turned into a new entity. Many *poskim* follow this opinion.<sup>95</sup>

Using the same line of reasoning, some *poskim* permit the use of gelatin since it is totally changed from its original state.<sup>96</sup> Others are not convinced that one can draw a parallel between musk and gelatin.<sup>97</sup>

### Dried out Stomach / Gelatin

The *Rama*<sup>98</sup> says an animal’s stomach lining which was salted and dried out so that it becomes like a piece of wood may be filled with milk since it does not retain any taste of meat.<sup>99</sup> The same would apply to gelatin which is completely dried out.<sup>100</sup>

89. Hilchos Machalas Asuros 4:18. Refer to Rashi Vayikra 11:8 “mivsamam.” See Kashrus pages 245-249.

90. Refer to Igros Moshe Y.D. 2:27 (end) page 44 who says gelatin is a *sofuk issur*.

91. Mesechtas Avodah Zarah 69a “ha’hu.” Refer to Rosh Avodah Zarah 5:11.

92. Refer to Achiezer 3:33:5, Introduction of the Tzitz Eliezer volume 4 where he brings the opinion of Harav Yechezkel Abramsky zt”l. Some say there are no commercially made gelatin that come from hard bones today (Journal of Halacha and Contemporary Society 30:page 69).

93. O.C. 216:7, see Magen Avraham 3. See OU document P-86 who says that fermentations are not considered *kitniyos sh'nishtana*.

94. Shiurei Knesses Hagedolah 216:7, Rosh (Teshuvos) klal 24:6, Bnei Chai Y.D. 103.

95. Refer to Rosh Mesechtas Berochos 6:38, Mishnah Berurah ibid. Refer to Magen Avraham O.C. 216:3, Taz 2.

96. Refer to Yabea Omer Y.D. 8:11:15, Tzitz Eliezer’s opinion expressed in the introduction to volume 4, see Melamed L’hoyel 2:35.

97. Refer to Achi Ezer 3:33:5, Tzitz Eliezer ibid quoting the opinion of Harav Yechezkel Abramsky zt”l, opinion of Harav Elyashiv Shlita quoted in Yeishiv Moshe page 165.

98. Y.D. 87:10, see Shach 114:21. Refer to Pischei Teshuva 87:19, 21.

99. Refer to Shach 33 who says this applies to other organs as well, but initially this should not be done (Be’er Heitiv 27, see Pri Megadim Eishel Avraham 33). Refer to Achi Ezer 3:33:5 who says the Shach does not apply to hard bones. Some say this does not apply when a product is dried in a modern facility (Journal of Halacha and Contemporary Society 30:page 72:footnote 14).

100. Opinion of Harav Shlomo Zalman Aurbach zt”l quoted in Kashrus and Medicines page 53:footnote 20, see Yabea Omer Y.D. 8:11 in depth.



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A question which arises is, if a non-*kosher* food becomes like wood but is later edible does it change the status or does it retains its previous non-*kosher* status?

Some say that once the product was dried it may not regain its non-*kosher* status.<sup>101</sup> Others are stringent in this regard.<sup>102</sup>

## Contemporary Opinions

The opinion of the *Achiezer*<sup>103</sup> and others<sup>104</sup> is to permit the consumption of gelatin. The opinion of *Harav Henkin zt"l*<sup>105</sup> is that since this matter is not decided one should be stringent. This is the opinion of *Harav Moshe Feinstein zt"l*<sup>106</sup> and others as well.<sup>107</sup> The opinion of the Israeli Rabbinate is to permit the consumption of gelatin,<sup>108</sup> while the *Mehadrin kosher* certification in *Eretz Yisroel* do not allow gelatin.<sup>109</sup> The major *kashrus* organizations in the United States do not allow non-certified gelatin.<sup>110</sup> (The above discussion does not apply to taking gel-caps, as this will be discussed below).

## Status of *Kosher* Gelatin

Gelatin made from a *kosher* source is considered *pareve*.<sup>111</sup> *Kosher* gelatin is gelatin made from fish<sup>112</sup> or *glatt kosher* beef hides.

101. Refer o Shach Y.D. 114:21, Pischei Teshuva Y.D. 87:20, Nodeh B'Yehuda Y.D. 26, Aruch Ha'shulchan Y.D. 87:43, *Achiezer* 2:11, 3:33:5, Har Tzvi Y.D. 83, opinion of *Harav Henkin zt"l* (*Edos L'Yisroel* page 132), *Orchos Habayis* page 29.

102. *Pri Megadim Eishel Avraham* Y.D. 87:33, *Chasam Sofer* Y.D. 81, see *Igros Moshe* Y.D. 1:37, 2:27, *Kovetz Teshuvos* 1:73:page 107. See *Mishnas Rav Aron* 1:17:2.

103. 2:11, 3:33:5.

104. Refer to Gelatin in *Jewish Law* pages 95-119 in depth, *Tzitz Eliezer* introduction to volume 4 quoting the opinion of *Harav Yechezkel Abramsky zt"l*, *Yabea Omer* Y.D. 8:11 in depth, *Harav Yechezkel Abramsky zt"l* adds until now (1951) it has been accepted that gelatin is not permitted. Therefore he is concerned about permitting it.

105. *Edos L'Yisroel* page 177.

106. *Igros Moshe* Y.D. 2:27 (end).

107. *Mishnas Rav Aron* 17, *Kovetz Teshuvos* 1:73:page 107, *Medicines and Kashrus* pages 16-17 quoting other *poskim*.

108. *Journal of Halacha and Contemporary Society* 30:page 66:footnote 1. One who moves to *Eretz Yisroel* should ask if he can follow their opinion.

109. *Kashrus* page 349.

110. *The Laws of Pesach: A Digest* 2006 page 602.

111. *Igros Moshe* Y.D. 1:37, 2:27, *Mishnas Rav Aron* 1:16.

112. One may eat this together with meat as well and we are not concerned about the halacha of refraining from eating fish and meat together (*Mesechtas Pesachim* 76b, *Shulchan Aruch* Y.D. 116:2). In addition it is *botel b'shishim*. Some say maybe the whole concern was flesh of the fish with meat not the skins or bones. Additionally, the gelatin made from fish (and other sources) does not have a flavor (*Star-K Kashrus Kurrents* in an article by Rabbi *Mushell*).

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## Gel Caps - Not in the Normal Manner

One who is sick is permitted to eat a non-*kosher* food (which is normally *ossur b'achilah*) in an unusual manner.<sup>113</sup> Based on this, the opinion of some *poskim* is that swallowing a pill made from a gelatin coating is permitted, since it is for a sick person and it is not the usual manner of eating.<sup>114</sup> However, there are *poskim* who maintain that swallowing a pill is the regular manner of consumption.<sup>115</sup> Others are lenient and maintain that swallowing a pill is considered an unusual manner.<sup>116</sup> In addition, even those who are stringent by gelatin, it would not apply to medicines. However, according to the stringent opinion above regarding gelatin, one who only has a headache<sup>117</sup> or slight discomfort<sup>118</sup> should take a pill which has no gelatin or wrap the gel-cap in a tissue (in the next issue we will *iy"h* continue our discussion on gel-caps).<sup>119</sup>

113. Shulchan Aruch Y.D. 155:3, Shach 14, Mishnah Berurah O.C. 466:1. An example of this is giving someone non-*kosher* food through intravenous.

114. Opinion of Harav Henkin zt"l quoted in Edos L'Yisroel page 132, opinion of Harav Shachter Shlita as expressed in OU document I-97. He adds that the gel-caps have no taste to them and are *nifsal* from feeding to a dog.

115. Refer to Nodeh B'Yehdua Y.D. 35, Pischei Teshuva Y.D. 155:6, Har Tzvi Y.D. 97, opinions of Harav Shlomo Zalman Aurbach zt"l and Harav Elyashiv Shlita quoted in Medicines and Kashrus page 57:footnote 17, Yeishiv Moshe page 165, Shemiras Shabbos K'hilchoso 40:footnote 169, Halichos Shlomo Moadim (Pesach) 1:page 69. This is the opinion of Harav Yisroel Belsky Shlita quoting the opinion of Harav Henkin zt"l, see [www.koltorah.org](http://www.koltorah.org).

116. Halichos Shlomo 1:17:1 (although he is quoted in the footnote above as saying otherwise), see Toras Chaim (Chullin 120) who is lenient

117. Refer to Halichos Shlomo Moadim (Pesach) pages 71-72 who is unsure if this should be permitted with a slight pain. See Minchas Shlomo 1:17:3.

118. This does not apply to one who is bedridden (Halichos Shlomo Moadim Pesach) pages 71-72:8. The Shach 13 says this *heter* of the Rama is even for a healthy person. See Mishnah L'melech Hilchos Yesodei Hatorah 5:8 in depth, Zera Emes 2:48. Refer to Pri Megadim M.Z. O.C. 328:11, Shagas Aryeh 74, Binat Adom 52:page 86, Shevet Ha'Levi 7:135 who argue. Harav Yisroel Belsky Shlita maintains if one has a headache he should not swallow gel-caps without wrapping it in a tissue.

119. Refer to Mesora 14:page 92. Others say the custom is to be lenient with one who has even a headache (Chai Ha'Levi 3:111:2).



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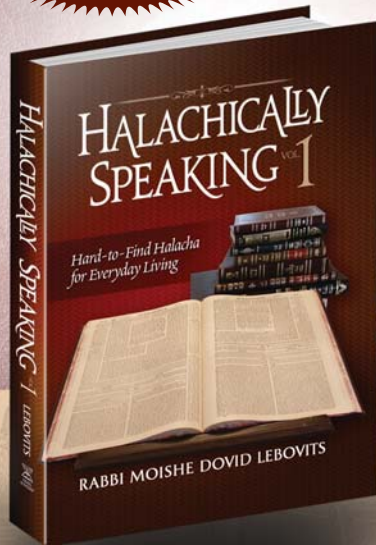
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**IN THE NEXT ISSUE:**

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- Glycerin
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# KASHRUS CONNECTION



Compiled by Rabbi Moishe Dovid Lebovits

Volume 1 Issue 9



## POLICY/ UPDATES

### Fish Oil in a Product

#### *Halachic Background*

One who eats fish and meat that were cooked together is putting himself in danger. Some authorities say that one should not roast the two together. *B'dieved* if the food only has *reiach* (one of the pots were covered) it is permitted. The food is forbidden if they were cooked or roasted together in the same pot.

#### *Sixty Times - Shishim*

There is a big dispute in the *poskim* if fish is *botul b'shishim* in other foods. Some *poskim* say *bitul b'shishim* does not help if things are dangerous, while most say it does help. The prevalent custom is according to the second opinion.

The *Bais Din* maintained that we may be lenient and not write FISH on the label, if the fish is less than 1% (*botul b'shishim*), especially since this is fish oil which does not have the same concern as fish.

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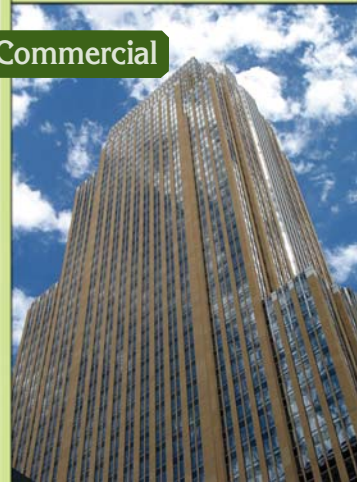


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