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#### Ben Yomo Week 5 Coffee

**Happy Fact:** Unflavored roasted coffee beans, whole and ground, are considered kosher without a *hechsher* (kosher certification). Bearing this in mind, buying a cup of unflavored regular, decaf, or High-Octane coffee (my usual choice) should not present any *kashrus* issues, right?

Not so fast fellow caffeine heads; life is never so simple.

**The Problem:** Some coffee vendors sell kosher and *treif* (non-kosher) items, like the Bacon & Gouda Breakfast Sandwich and the Pepperoni & Tomato Savory Foldover.<sup>1</sup> The *keilim* (utensils) used for coffee and *treif* can at times be washed together, causing *blios*, absorbed tastes, from the *treif klito* enter the coffee equipment. In Starbucks, for example, it's been established that the brew basket that holds the coffee grounds while the coffee is being made is sometimes washed with *keilim* that may have come into contact with *treif*. If we have a "perfect storm" situation in which the wash water is *yad soledes*,<sup>2</sup> and no soap enters the water before the *treif* equipment is placed in the water, then the brew basket is considered *treif* and the coffee made afterwards is *treif*.

We do not know the cleaning procedures used by all coffee vendors, but most of them sell *treif* items along with coffee and the possibility exists that similar *keilim* issues may be present.

Based on these facts and assumptions, the *psak* (*halachic* decision) should be that one is permitted to buy hot coffee only from vendors that he knows do not sell *treif*, or whose cleaning procedures do not impact the *kashrus* of the coffee. This is, indeed, STAR-K's opinion on purchasing coffee from stores that sell *treif* items.

**The Exception:** True or False?



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If one is traveling on the road – by car, plane, bus, or horse – he can stop at a rest stop, gas station or even a Starbucks and purchase a hot cup of Joe.

Give yourself a star if you answered True.

Upon what is this exception based?

We need some background to answer this question. Our concern centers on the *keilim* used to make coffee and/or the utensils from which one may drink that may have blos from treif.

The *halacha* is that tastes that are *pagum*, or off-tasting, do not have an ability to impart a *treif* status to kosher foods or utensils.<sup>3</sup> The *halacha* also states that tastes absorbed in a utensil that is not a *Ben Yomo*, i.e., has not been used within 24 hours, are considered *pagum*.<sup>4</sup>

Furthermore, *Shulchan Aruch paskens* in *Yoreh Deah* (Y.D.) 122:6, that if one is unsure if the eating utensils or cooking equipment owned by non-Jews was used for non-kosher within 24 hours, one may assume that they were not. This concept is known as *Stam Keilim Einyon Bnei Yoman*, or just *Stam Keilim* (סתם כלים) in *halachic* shorthand. With this in mind, the *Mechaber paskens* that if someone mistakenly used the pot of a non-Jew to heat up something, the food is permitted since it is assumed that the pot was not used within the past 24 hours. This is a great *din* to keep handy when faced with a *b'dieved*<sup>5</sup> situation, like the one in the *Shulchan Aruch*.<sup>6</sup>

The question we need to answer is if buying coffee in a non-kosher establishment while traveling has the status of a *b'dieved* situation. This would allow us to apply the principle of *Stam Keilim* to the coffeemaking equipment and grant us a guilt-free cup of Starbucks (how to avoid guilt while paying \$5 for a cup of coffee is beyond the scope of this article).



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Rabbi Moshe Heinemann, *shlit"z*, answered this question by marshalling a *Yad Ephraim*<sup>7</sup> that appears on the page in the *Shulchan Aruch* that we previously mentioned in Y.D. 122: 6. The *Yad Ephraim* references a responsa from the *Nodah B'Yehuda* (Nb"Y) which discusses the propriety of Jews drinking coffee in the Gentile-owned coffeehouses of 18th century Prague. As they say, the more things change the more they stay the same! It is almost 300 years later, and Jews still want their coffee ככל העמים

The issue addressed by the *Nodah B'Yehuda* revolved around drinking coffee from the coffeehouse's mugs. It was assumed that the mugs had non-kosher milk in them when the Gentile patrons drank their coffee. In those days, there was no *heter* (permission) to drink *non-cholov Yisroel* milk or *cholov stam* and it was considered *חמץ*, not kosher. Since paper cups had not yet made their way onto the scene, the only way to drink the coffee was to use the mugs that had absorbed the taste of non-kosher milk. What was a Jew to do?

The Jews who drank from the mugs back then had two possible reasons why it should be allowed:

1. The mug was a *Kli Sheni*<sup>9</sup> and, therefore, not hot enough to cause a transfer of *treif* milk taste into the coffee.
2. *Stam Keilim*. The *halacha* we referenced earlier allows us to assume that utensils have not been used within 24 hours, and any *blios* are *pagum*.

The Nb"Y dismisses the *Kli Sheni heter* by referencing the *Taz* and *Rashal*, who *pasken* that this only helps in a *b'dieved* situation. The *Shach* writes that we need to be strict in applying the *heter* of *Kli Sheni* regarding earthenware utensils, such as the mugs that were used. The *heter* of *Stam Keilim* also doesn't work here since he says that these mugs are certainly used daily. Therefore, the *Nodah B'Yehuda paskens* that these mugs should not be used *l'chatchila*, and that whoever has it within their power to protest the practice of Jews drinking in Gentile coffeehouses should do so.<sup>10</sup>



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Let's return to the future now. We don't need to use the non-kosher mugs in our Gentile-owned coffeehouses. We have disposable everything these days, including cups, *Baruch Hashem*. Yay! Order up that Starbucks Venti (20 oz size for the uninitiated)!

Not so fast.

If you recall, our 21st century issue is not mugs – it's the washing procedures that may mix treif dishes with the coffeemaking equipment. Disposable cups won't save us from that. "But wait," you say. "What about *Stam Keilim*?" Whew, crisis averted!

Sorry for the rollercoaster of emotions I'm putting you through, but the *heter* of *Stam Keilim* applies to *b'dieved* situations only, as previously mentioned.

Is all hope lost?!

No! Rabbi Heinemann, *shlita*, has ridden to our rescue using ten words in the *Nodah B'Yehuda* that we quote here, "ולהלכה למעשה בדרך באושפיזא שאין שם כלים אחרים מיחשב דייעבד וכו'", Practically speaking, when someone is traveling and is in a place where no kosher utensils are available, he is considered to be in a *b'dieved* situation" and he may use the gentile owned mugs. The *Nodah B'Yehuda* allows the use of the mugs based on the *heter* of *Kli Sheni* because traveling is a *b'dieved* situation. Rabbi Heinemann applies the same *lomdus* (thinking) to our modern coffeehouse issue. He says when someone is on the road traveling, he is considered to be in a *b'dieved* situation. Based on our investigations, we also know that the *treif* dishes are not always washed with the coffee equipment.<sup>11</sup> Therefore, we can use the *heter* of *Stam Keilim* since we are in a *b'dieved* situation. One Venti House Blend coming up!

While you are savoring your caffeine-fix, let me remind you of a few caveats. Once you get home, it's back to Moishe's Coffee Café for you. You are no longer considered to be in a *b'dieved* situation; you're back in



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*L'hatchila*<sup>12</sup> Land, and non-kosher coffee places should be avoided unless you know clearly that no *treif* utensils are washed with the coffee equipment.

Bear in mind that even while traveling, you can only order regular or decaf coffee and a Latte made with *stam cholov* (if you don't keep *Cholov Yisroel*). Frappuccinos and other similar flavored coffee creations contain additional ingredients that need to be reviewed before they can be recommended.

Happy Trails!

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1. I didn't make these up, they are actual choices on the Starbucks menu.
  2. Literally, the temperature at which someone will quickly remove his hand to avoid being burned. The food must be at least this hot before its taste is considered to have been transferred into a utensil. Rabbi Heinemann holds *yad soledes* is 120°F.
  3. ש"ע סי' ק"ג
  4. Ibid
  5. A scenario in which the halacha allows a lenient approach to be applied.
  6. סתם כלים אינן בני יומן is based on ספק ספיקה, maybe this pot was not used within 24 hours, rendering any absorbed taste *pagum* (off tasting). Even if it was used within 24 hours, maybe the absorbed non-kosher taste is *pagum* in this particular food that was cooked, הובא בטור סי' קכ"ב, בשם הרא"ש.
  7. Rabbi Ephraim Zalman Margolis ZT"L d: 5588-(1828)
  8. נודע ביהודה יו"ד שאלה ל"ו
  9. The mug or bowl into which food from a pot on the fire is poured into is called a *Kli Sheni*, a second level utensil. This means that the walls of the utensil are considered to have cooled the



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temperature of the food to an extent where it is not hot enough to transfer its taste into the utensil walls.

10. The actual words of the Nb"Y are illustrative of how serious he felt this issue was; ומה שהשיב לו המשיב שבפראג שותין בני תורה בבתיים של אינו יהודי, ידע רום מעלתו, אם הם בני תורה אינם בני יראה והמה קלי דעת...
11. The fact that the treif dishes are not washed with the coffee equipment every day allows us to avoid the issue the Shach mentioned earlier, that the mugs could not be allowed based on מילכ since they are used daily with non-kosher milk.
12. A scenario in which the strict halacha must be applied.



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