

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## SERIES 2: 18 - COSMETICS ON PESACH

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- In the previous shiur we saw a number of core fundamentals principles concerning chametz on Pesach., including:
  - (i) there is a Torah prohibition to eat chametz.
  - (ii) there is a Torah prohibition to get benefit from chametz.
  - (iii) these prohibitions apply only if the chametz is eaten, or benefit is received, in the NORMAL manner.
  - (iv) chametz which is rendered fully inedible (*nifsal me'achilat kelev* - ie not even suitable to be animal food) is not prohibited to keep/use on Pesach<sup>1</sup>. It is however prohibited to eat - *achshevei*<sup>2</sup>.
  - (v) according to most poskim *achshevei* does not apply to medication.
- Many poskim have raised concerns about cosmetics on Pesach. Some may contain ingredients which are based on chametz. These could include: creams, ointments, salves, powders, sticks, colognes, perfumes, deodorant in liquid/stick/spray/roll-on form, shaving lotions, eye shadow, eye liner, and blush, mouthwash, lipstick, and toothpaste.
- In this shiur we will examine the kashrut of cosmetics, on Pesach and during the year<sup>3</sup>.

### A] SOAP, COSMETICS AND KASHRUT

#### A1] WHAT WAS/IS SOAP MADE FROM?

1. ומי מכלכל את יום בואו ומי העמד בהראותו פיהוא פאש מצרף וכברית מכבסים.

מלאכי ג:ב

*Malachi describes the coming of the Lord at the end of days as cleansing - like 'borit mechabsim' - launderer's soap<sup>4</sup>.*

2. וכבורית מכבסים - כבורית של מכבסים שמעזיר את כל הכתם כן יעזיר כל הרשעה. זורית עשז הוא שמעזיר את הכתם זלע"ז אירז"א ש[זן]נייר"א. ולשון זורית דבר המלחא ומטהר כמו (תהלים עג:ה) לְצַדִּיק לִיָּצֵל.

רש"י שם

*Rashi translates this as 'erbe savoniere' - a grass which is soapy.*

- In Mesopotamia, soap was made from the fat rendered from slaughtered cows, sheep or goats, together with water and lye - a caustic substance derived from wood ashes. Pliny the Elder (*Naturalis Historia*) describes soap as a pomade made of tallow - typically derived from beef fat - and ashes. However, people normally used soap to clean material and not their bodies! For personal washing, men and women would bathe in water and then smear their bodies with scented olive oils. They then used a metal or reed scraper called a strigil to remove any remaining oil or grime.
- In the Middle Ages. expensive soaps began to be made from vegetable oils, such as olive oil. But most people continued to use soap made from the fats of slaughtered animals.
- In the 20th century, as soap began to be used more for personal washing, soaps were increasingly made from coconut, palm and cottonseed oil, leading to the discovery of hydrogenated fats in 1909. These solid, vegetable-based fats revolutionized soap by making its manufacture less dependent on animal byproducts. Shortages of fats and oils for soap during World Wars I and II also led to the discovery of synthetic detergents as a substitute for fat-based laundry soaps, household cleaners and shampoos.

1. We saw that, for other non-kosher foods, the standard of inedibility is less strict - it only needs to be inedible by humans (not animals) in order to lose its halachic status as food and become permitted. The standards for chametz are stricter: (i) because of the overall stricter approach on Pesach due to the more stringent prohibitions of chametz - the punishment of *karet* for eating it, the prohibition to own it, the impossibility of nullifying it on Pesach; (ii) because the Torah explicitly prohibits *se'or* - a leavening agent which is itself inedible but causes other food to become chametz.

2. The prohibition of *achshevei* is learnt from the Gemara's ruling (Shavuot 24b) concerning someone who takes an oath that they will not eat an objectively inedible item. If they subsequently eat it, they are considered to have violated the oath because they 'elevated' that item to the status of food by consuming it. According to most poskim, the prohibition of *achshevei* is rabbinic (Taz OC 442:8, Mishna Berura 442:43, Aruch HaShulchan OC 442:30, but see Bach OC 224 s.v. *v'yeish omrim*.)

3. The most detailed halachic issue concerning cosmetics is their use on Shabbat and we will be'H dedicate a separate shiur to that. Another more recent halachic question concerns 'permanent make-up' which is tattooed into the skin and which raises separate halachic concerns.

4. See also Yirmiyahu 2:22 which also uses the word borit.

- Today's commercially manufactured soaps are highly specialized, lab-engineered products. Synthesized animal fats and plant-based oils and bases are combined with chemical additives, including moisturizers, conditioners, lathering agents, colors and scents.<sup>5</sup>
- However, even today, excluding 'vegetarian' soap, most soaps are made from animal fat. For example, Ivory soap is, according to its web site, "made of both vegetable oils and animal fats"<sup>6</sup>.
- Note that the bubbles in bubble bath contain hydrolyzed animal collagen to stop them from popping while floating on the hot water. This is created from the tendons of non-kosher animals.

## A2] WHAT WERE/ARE COSMETICS MADE FROM?

- Cosmetics have been used since ancient times. From ancient Egypt to the 19th century, lipsticks dyes were often made from ground carmine beetles.
- Other cosmetics were classically made from ingredients such as kohl and castor oil. The Romans describe skin creams made of beeswax, olive oil and rose water. Vaseline and lanolin were added in the nineteenth century.
- Lipsticks are now made from wax, oils, antioxidants, and emollients. Wax - such as beeswax, ozokerite and candelilla wax - provides the structure to the solid lipstick. Oils and fats used in lipsticks include olive oil, mineral oil, cocoa butter, lanolin, and petrolatum.
- Lipsticks now get their colors from a variety of pigments and dyes from both organic and inorganic sources.

## A3] WHAT COULD BE THE KASHRUT ISSUES?

- Chelev from all domesticated animals is not kosher and a person who eats chelev is chayav karet. All products from non-kosher animals are also non-kosher. This would include not only non-kosher species, but also animals which have not been properly slaughtered - neveilot - or which are sick with one of the *simanei treifot*. However, one may receive benefit from chelev<sup>7</sup> and from the products of non-kosher animals<sup>8</sup>.
- Cosmetics are NEVER eaten. They may be placed around the mouth and could be ingested.

3. מותר לשאוף בפיו ריח יין נסך דרך נקב שבחבית לידע אם הוא טוב. כגון: אצל אסור לטועמו, אף על פי שאינו צולעו (ריב"ש סימן רפ"ח) ...

שולחן ערוך יורה דעה הלכות תערובות סימן קח סעיף ה

*The Shulchan Aruch rules that it is prohibited to put non-kosher food into one's mouth even without swallowing it.*

- However, cosmetics are not food! They are usually inedible and, even if they enter the mouth and could be swallowed, this would certainly be an inadvertent and abnormal manner of eating!
- On Pesach, however, chametz is also prohibited to BENEFIT from. Applying a topical cosmetic could certainly be considered a benefit.
- Additionally, through the whole year, there is principle of SICHA KESHTIYA.

## B] SICHA KESHTIYA

4. משנה. .... מנין לסיכה שהיא כשתייה ביום הכפורים? אף על פי שאין ראייה לדבר, זכר לדבר. שנאמר (תהלים קט"ו) וַיִּלְבַּשׁ קַלְלָהּ כְּמַדּוֹ וַתִּבֵּא כַּמִּים בְּקֶרְבָּן וְיִכְשְׁמֶן בְּעֵצְמוֹתָיו.

שבת פו.

*Chazal learn from a verse in Tehillim that applying oil to the skin on Yom Kippur is halachically comparable to drinking.*

5. From <https://theconversation.com/the-dirty-history-of-soap-136434#:~:text=Ancient%20Mesopotamians%20were%20first%20to,goop%20that%20lifted%20away%20dirt>.

6. Ivory Original Bar Soap is made from Sodium Tallowate And/Or Sodium Palmate, Water, Sodium Cocoate And/Or Sodium Palm Kernelate, Glycerin, Sodium Chloride, Fragrance, Coconut Acid, Palm Kernel Acid, Tallow Acid, Palm Acid and Tetrasodium Edta. In response to a telephone inquiry from OU Kashrut in 2006, the Procter & Gamble spokesman stated that the animal fats in Ivory are the usually discarded tallow of beef and pork. In addition, animal fats are the main ingredients in Ivory, making up over fifty percent of the product. - see <https://ivory.com/faqs/#:~:text=Ivory%20Original%20Bar%20Soap,Or%20More%20of%20These%20Ingredients and https://oukosher.org/blog/consumer-kosher/whats-the-truth-aboutkosher-soap/>

7. See Rambam Hilchot Ma'achalot Asurot 8:15.

8. There is a prohibition to use non-kosher animals for devarim shebikedusha - such as leather for tefillin boxes and straps. This principle of *muttar be'ficha* is based on Shemot 13:9; see Shulchan Aruch OC 32:12. The Magen Avraham extends this restriction to apply to all mitzvot. There would thus be a question as to whether one could use candles from non-kosher fats for Shabbat or Chanuka or a chalitzah shoe from non-kosher leather. See Node Beyhuda (Tinyana 2:3) who debates the suggestion raised in the Gemara of using an elephant for one of the Succah walls!!

5. דתניא: (ויקרא כב:טו) וְלֹא יִחַלְלוּ אֶת־קֹדְשֵׁי בְנֵי יִשְׂרָאֵל אֶת אֲשֶׁר־יָרִימוּ לָהֶּן. לרבות את הסך ואת השותה. שותה למה לי קרא? שותה בכלל אכילה! אלא: לרבות את הסך כשותה. ואיבעית אימא מהכא: (תהלים קט"ח) וַתִּבְרָא כַּמִּיִּם בְּקִרְבּוֹ וְכִשְׂמֹן בְּעַצְמוֹתָיו.

נדה לב:

The Gemara also learns from a verse in the Torah that smearing teruma oil onto the skin is akin to drinking teruma oil. This would therefore be prohibited for a non-Cohen or someone who was tamei.

6. וכשמן בעצמותיו - ואם תאמר דמעיקרא מייתי מן התורה והדר מייתי אסמכתא דצפרק ר"ע (שבת פו) תנן דסיכה ציוה"כ אסור אף על גב שאין ראיה לדבר זכר לדבר שנאמר וַתִּבְרָא כַּמִּיִּם בְּקִרְבּוֹ. ואומר רבינו תם דקרא דלא יחללו נמי אסמכתא הוא! דצפרק הגשרפין (פסחדרין פג) דרשינן מיניה דטבל צמיתה. וצפרק קמא דצחים (ג) מידרש דרשא אחרייתו. ומדאורייתא לא הוי סך כשותה. וכן לענין יוה"כ ותדע דאין חייבין כרת אלא אוכל ושותה בלבד. ואמר נמי צפרק צתרא דיומא (דף ע"ז) מי שיש לו חטטין צראשו סך כדרכו ואינו חושש. ועוד אומר ר"ת דדוקא סיכת שמן אסמכתא רבנן אקרא ואסור מדרבנן. אבל סיכה של שומן חזיר ושל חלב שריא וצפרק כל שעה (פסחים כ"ד) אמר המניח חלב של שור הנסקל ע"ג מכתו פטור אבל אסור הוא משום דאסור בהנאה. משמע אבל חלב דעלמא אפילו איסורא ליכא.

תוספות נדה לב.

Tosafot learns that this principle of 'Sicha Keshtiya' is a rabbinic and not Torah prohibition. Furthermore, it only applies on Yom Kippur and teruma. One of the proof is that the Gemara explicitly permits using prohibited chelev fat as an ointment. The only halachic problem would arise if the prohibited substance was also prohibited to benefit from. This would not apply to regular treif fats, but would apply to chametz.

7. .... וי"ל דה"ק - אפי' לא היה לנו פסוק לאסור סיכה דאורייתא הוה לן למיסרי' מדרבנן מקרא חמא. אי נמי קרא חלל יחללו נמי אסמכתא בעלמא דעיקרו לאו להאי דרשא אתא .... ומותר אדם לסוך בחלב דלא אשכחן דאסור סיכה כשתיה אלא ציוה"כ וצתרומה וצאיסורי הנאה .... אבל חלב דהתירי הנאה מותר. וצתרומה אסור משום דאיכא אסמכתא חלל יחללו, וציוה"כ אסור משום תענוג, אבל משום רפואה שרי או ידיו מלוכלכות. כלל דמילתא היכא דאינו צשזיל תענוג שרי.

תוספות יומא עז.

In this Tosafot there is a suggestion the principle of Sicha Keshtiya could be min haTorah<sup>9</sup>. However, this appears to be rejected and, again, Tosafot restrict the principle to Yom Kippur and teruma.

8. סימן רלח - דין סכין ומפרכין לאדם דוקא שמן סכין אבל חלב ושומן לא לפי שנמחה והוה ליה נולד .... ובחול מותר לסוך חטטין מאיסור חלב אף ע"ג דסיכה כשתיה .... ומדרבנן אין אסור אלא כי עביד לתענוג. אבל משום צערא כגון לחטטין או למכה שרי. דהא ביום הכפורים שנינו מי שיש לו חטטין בראשו סך כדרכו ואין חושש ....

ספר התרומה סימנים הלכות שבת סימן רלח

The Sefer HaTeruma<sup>10</sup> rules that smearing non-kosher chelev fats on one's skin is rabbinically prohibited all year round, and not just on Yom Kippur! The hetter to use them (Yom Kippur or weekday) is only for medical purposes.

9. .... ואסור לרחוץ ידיו צמלח (אגודה), וכ"ש צבורית שקורין זיי"ף צל"א (בנימין זאב סימן רע"ח / ר"י) או צשאר חלב שנימוח על ידיו והוי נולד (פרק צמה אשכ"ח וסמ"ג והב"מ פכ"א וטור סי' שכ"א).

שולחן ערוך אורח חיים הלכות שבת סימן שכו סעיף י

The Rema in Shulchan Aruch rules that using chelev fat soap on Shabbat is prohibited because of the prohibition of memareach - smearing. Does this imply that the ONLY problem is Shabbat, but that during the week it is permitted? He does not address this separately in the laws of kashrut in Yore Deah.

10. משמע מדבריו דבחול מותר. וכ"כ תוס' בספ"ד דנדה בשם ר"ת דמותר. ודבריו דחוקין .... ולפיכך במקום צערא התירו .... אבל שלא במקום צערא אסור ....

באור הגר"א אורח חיים סימן שכו סעיף י

The Vilna Gaon agrees that the Rema appears to be lenient on chelev soap during the week. But he rules like the Sefer HaTeruma that use of non-kosher soap is only permitted for medical purposes<sup>11</sup>.

9. See also Kesef Mishna on Rambam Hilchot Shvitat Asor Chap.1 who maintains that the concept of sicha keshtiya is Biblical in nature, at least in regard to Yom Kippur.

10. R. Baruch b. Isaac of Worms (born France c. 1140) was a prominent posek at the beginning of the Tosafist period and student of the Ri HaZaken. He is often confused with R. Baruch b. Isaac of Regensburg. Furthermore, his Sefer HaTeruma is often confused with the later Sefer HaTerumat of R. Samuel HaSardi, a student of the Ramban. Other Rishonim also take a stringent position on this, including the Orchot Chaim, Mordechai (Shabbat 338-339) and Tosafot Rabbeinu Peretz (Pesachim 24c s.v. hiniach).

11. A stringent psak is also found in the Taz (middle of YD 117:4) and Kaf Hachaim (YD 117:15). Shach (Nekudat Hakesef YD 117) quotes many poskim who are lenient although also quotes the Levush who observes that many Jews have an aversion to any product made from pigs even though there may be no halachic concern at all. The Beit Yosef (YD 117 and 123) quotes the position of different Rishonim on the issue of chelev soap.

11. עיין צביאור הגר"א שדעתו כדעת הרב מגדולי הפוסקים דאף בחול אסור דסיכה כשתיה. ועכ"פ מדרבנן אסור ודלא כר"ת וסייעתו שהתירו זאת לגמרי. מיהו מנהג העולם לרחוץ בצורית שלנו הנעשים מחלצ ורק איזה מדקדקים זכירין זאת. ואם מלוי להשיג צורית שנעשים שלא מחלצ צודאי נכון לחוש לדעת המחמירין זאת.

באור הלכה סימן שכו סעיף י ד"ה בשאר חלב

*The Biur Halacha observes that the common custom in his day was to be lenient, even though many poskim were strict on this. He therefore permits non-kosher soap but recommends buying kosher soap where possible.*

12. יש רוצים לאסור לסוך בבורית שקורין זיי"ף מטעם סיכה כשתיה. ויש מתירין דכבר כתבו התוס' בנדה (גב.) בשם ר"ת דסיכה כשתיה אינו אלא לענין יוה"כ ע"ש. ואף גם ביוה"כ אינו אלא דרבנן לכמה פוסקים. וכן מתבאר מדברי רבינו הרמ"א בא"ח סי' ש"ג שכתב דבשבת אסור לרחוץ בבורית משום נולד ע"ש הא בחול שרי [ע"ש בהגר"א]. וגם המתירים לא התירו רק במקום צער כמו חטטין. אמנם בבורית שלנו שהוא מסריח ואף לכלב אינו ראוי ואין לך לפגם יותר מזה פשיטא שאין בזה חשש אפילו לבריאים! וכן המנהג פשוט בכל תפוצות ישראל לסוך בבורית במרחץ ואין פוצה פה ומצפץ.

ערוך השולחן יורה דעה סימן קיז סעיף כט

*The Aruch HaShulchan appears to rule stringently in principle and allow real chelev soap only for medical purpose, but he observes that the soap being sold in his day is TOTALLY inedible<sup>12</sup> and therefore permitted, even according to the strict opinions. He understands that this is why the general minhag<sup>13</sup> of people was to be lenient<sup>14</sup>.*

- Many liquid soaps today are made from detergent and have no animal products at all.
- Almost all poskim are lenient on this issue today<sup>15</sup> but some people still use 'kosher soap'<sup>16</sup>.



## C] CHAMETZ AND COSMETICS

- As we will see, cosmetic products often contain ingredients made from chametz<sup>17</sup>. Cosmetics are NOT, however, intended to be eaten or ingested, although they may sometimes accidentally end up in one's mouth. Furthermore, their ingredients are significantly inedible (although we will qualify this below).
- Some products contain other wheat derivatives.

13. דיו שהוא מבושל בשכר שעורים מותר לכתוב בו.

שולחן ערוך אורח חיים הלכות פסח סימן תמב סעיף י

*The Shulchan Aruch rules that one may write on Pesach<sup>18</sup> using ink which was cooked in barley beer in the course of its preparation.*

12. This is also the position of R. Moshe Stern (Be'er Moshe 3:87) and R. Ovadia Yosef (Yechave Da'at 4:43).

13. It is interesting that the Aruch HaShulchan (late 19C Navardok) understands that the minhag to be lenient is due to the soap being inedible, but the Biur Halacha (late 19C Radin) understands that this minhag is because the people are following the lenient halachic opinion (and therefore recommends buying kosher soap where possible). It seems reasonable to assume that both poskim were dealing with the same kind of soap.

14. Many more sources are brought in <https://oukasher.org/blog/consumer-kosher/whats-the-truth-aboutkosher-soap/>. This article also references R. Elchanan Peretz, *Din Sicha Beshemen Issur* (Hebrew), Mehadrin 7 (Adar 2, 5755), 76-86. See also Torah Leda'at, 3:47 and 8:24, which discusses other laws pertaining to soap, such as non-kosher soap falling into food, chametzdik soap on Pesach and the use of soap on Shabbat.

15. R. Ya'akov Kanievsky was personally stringent.

16. In Israel there may be another issue after Shemita since cottonseed oil which is kedushat shevi'it could be used to manufacture soap. See Gateway to Shemita, R. Dovid Marchant (2nd Edition 2007) Chapter 13:25 p156, who writes that, although most people are lenient on this, some stock up on kosher soap before Shemita!

17. R. Chaim Jachter has a comprehensive article on this in Gray Matter III. Some of the material in this section was based on that article, which is available at [https://www.sefaria.org.il/Gray\\_Matter\\_III%2C\\_Cosmetics\\_and\\_Halacha%2C\\_Cosmetics\\_and\\_Toiletries\\_for\\_Pesach.37?ven=Gray\\_Matter,\\_by\\_Chaim\\_Jachter,\\_Teaneck,\\_N.J.,\\_2000-2012&lang=en](https://www.sefaria.org.il/Gray_Matter_III%2C_Cosmetics_and_Halacha%2C_Cosmetics_and_Toiletries_for_Pesach.37?ven=Gray_Matter,_by_Chaim_Jachter,_Teaneck,_N.J.,_2000-2012&lang=en)

18. This assumes a situation in which writing on Chol HaMoed is permitted (see Shulchan Aruch OC 545).

14. (מה) מותר לכתוב בו – ולא חיישינן שמא ישכח ויתן קולמוסו לתוך פיו כדרך הסופרים. וחמץ שנפסל מאכילת כלב הלא אסור באכילה וכג"ל. דזה דוקא כשאכלו זכונה ומשום דהוא אחשזבי, משא"כ זזה שהוא שלא זכונה אין קפידא [מ"א זשס תכ"ד].

משנה ברורה סימן תמב ס"ק מה

*The Mishna Berura cites the Magen Avraham<sup>19</sup> (in the name of the Terumat Hadeshen<sup>20</sup>) who explains that use of this ink is permitted even though a scribe might absentmindedly put his quill in his mouth. Even though it is prohibited to eat totally inedible chametz (because of achshevei), this applies only if one eats the item intentionally.*

## C1] DENATURED ALCOHOL

- Many cosmetic products contain denatured alcohol. In order to distinguish between alcohol that is intended for human consumption (which is generally highly taxed and regulated) and inexpensive alcohol used in cosmetics and cleaning solutions, all alcohol not intended for human consumption is denatured, meaning that it contains additives which make it unfit for consumption, and may even be poisonous.
- Denaturing does not alter the chemical composition of the alcohol and the process of denaturation can be reversed, although different additives are often used to make this difficult.
- Denatured alcohol by definition inedible by humans and unfit as animal food. It should therefore be considered *nifsal me'achilat kelev* and products containing this alcohol should be permitted to own and use on Pesach. Even if a little of the cosmetics were inadvertently ingested, this should be permitted, as with the case of the ink (above). However, many poskim raise a concern regarding the permissibility of denatured alcohol.

## C2] DENATURED ALCOHOL - THE STRINGENT VIEW

15. בסיכת רפואה שיש בה אלקאהאל של חמץ לחולה שאין בו סכנה בפסח. בדבר לסוך על חטטין בגופו כשאין בו סכנה רק צער בעלמא משיחה שנתן לו הרופא שמעורב שם אלקאהאל של חמץ בפסח. שכתר"ה הורה להיתר, יפה הורה. דמצד איסור סיכה באיסורין .... ואף להסוברים דסיכה כשתיה הוא בכל איסורין ובכל מינים, יפה כתב כתר"ה ממחנה אפרים דהוא דוקא סיכה של תענוג. ומצד איסור הנאה כיון שאינו מאכל אדם מותר בהנאה. ....

ואלקאהאל עצמו כשהוא בעין לא נחשב נפסל מאכילה שיש מנכרים ששותין אותו ע"י תערובות ותיקון קצת. אבל עיין ברמב"ם פ"ה מיסוה"ת ה"ח דשלא כדרך הנאתן דמותר לעשות מלוגמא מחמץ גם בפסח אף לחולה שאין בו סכנה משום שהוא שלא כדרך הנאתן. .... ולכן יכול כשיש לו צער טובא לעשות בפסח המשיחה בדראג סטאר של נכרי. ...

שר"ת אגרות משה אורח חיים חלק ג סימן סב

*R. Moshe Feinstein was asked about the use by someone sick and in pain (a chole she'ain bo sakana) of oils and creams made from denatured chametz alcohol. He permits this and first rules out any concern of Sicha Keshtiya, on the basis that we follow the lenient opinion on this in principle. Even according to the stricter opinion, it would be permitted for medical purposes. In terms the concern of chametz, however, he rules that denatured chametz alcohol IS still edible since some alcoholics drink it<sup>21</sup>!! It would, however, be permitted here for a sick person to use in an abnormal manner - as an ointment.*

- It appears that R. Feinstein would not be happy for a healthy person to use these products, even as cosmetics, since they are still considered 'edible'.
- R. Shimon Eider<sup>22</sup> writes that he heard that a strict approach on denatured alcohol was also ruled by R. Isser Zalman Meltzer, R. Aharon Kotler and R. Ya'akov Kaminetzky<sup>23</sup>.
- R. Tzvi Pesach Frank deals with the question of whether denatured alcohol derived from chametz can be used on Pesach as cooking fuel. He rules<sup>24</sup> that, since the denatured alcohol can fairly easily be reconstituted into edible alcohol, it is not considered halachically inedible and cannot be used.
- There are a number of arguments for stringency:

19. 442:15

20. 129

21. Prisoners have been known to covert hand-sanitizer to drinkable alcohol - see <https://freerepublic.com/focus/chat/2348007/posts>. In Russia a significant amount of alcohol consumption is alcohol derived from perfume and windscreen wash - see below!

22. The Halachos of Pesach p25 fn90.

23. Without a detailed teshuva, it is difficult to know if the position of these poskim was ruled *meikar hadin* or as a recommended stringency for Pesach. In fact, R. Kaminetzky is cited (*Emet L'Ya'akov Al Shulchan Aruch* p. 200 fn 432) as being lenient regarding this matter in case of very great need.

24. Shu't Mikra'ei Kodesh Pesach 1:54. He quotes the Shu't Chavat Da'at (YD Biurim 103:1) who distinguishes between a case in which a prohibited item is itself inedible, which is permitted to use on Pesach, and a case in which the item is inedible only due to being mixed with other ingredients. If this could be restored to edibility, it remains prohibited even while it remains unrestored. Since denatured alcohol falls into the latter category, it should be prohibited

(i) Is denatured alcohol really inedible? Just because we are very finicky today about what we eat, this does not mean that the food or drink is objectively inedible<sup>25</sup>.

(ii) Any food which is technically inedible but could be made edible - such as raw pasta - must be classified in halacha as 'edible'.<sup>26</sup> The classic proof for leniency from ink (above) may not be relevant since there was no method in those times of restoring the ink to drinkable chametz. If this had been possible, the Shulchan Aruch may have ruled strictly.

(iii) The exemption of *nifsal me'achilat kelev* may only apply to items that are normally consumed<sup>27</sup>. Since these items are consumed only when they are edible, the prohibition to consume them does not apply if they are unfit for animal consumption. However, if an item was NEVER meant for consumption (such as a cosmetics), the prohibition to own and benefit from it could apply even if it is inedible<sup>28</sup>.

(iv) The category of *nifsal me'achilat kelev* may be irrelevant to alcohol, since dogs would not even consume edible alcohol<sup>29</sup>. Since this particular food is not suitable for animals even when fully edible, the usual halachic test may not apply.<sup>30</sup>

### C3] DENATURED ALCOHOL - THE LENIENT VIEW

- Other poskim are lenient on the issue and rule that, fundamentally, denatured alcohol is permitted. This is the position of R. Ovadia Yosef<sup>31</sup> and R. Yosef B Soloveitchik.

- There are a number of arguments for leniency:

(i) The comparison (above) to raw pasta may be flawed since pasta is normally cooked and made edible. Similarly, the Torah prohibits sourdough on *Pesach*, even though it is inedible, since it normally facilitates baking bread. Denatured alcohol, on the other hand, is not normally modified for consumption<sup>32</sup>, so it is not analogous to raw pasta or bitter almonds.

(ii) Even though some people would drink denatured alcohol, this is not normal behavior<sup>33</sup>. In many halachic scenarios<sup>34</sup> we would apply the rule of *batla da'atan etzel kol haberiyot* - that aberrant behavior of unusual people is not normative in halacha.<sup>35</sup>

(iii) Much denatured alcohol is not actually derived from chametz. Rather, whatever starch or sugar is most readily available in a given country will be used for the production of ethanol. While isopropyl alcohol comes from petroleum, ethyl alcohol can also be made from the fermentation of starch, sugar, corn and other carbohydrates, which could include chametz. In America, corn is the main source of ethanol. In Brazil, it often comes from sugar cane. In Europe, it is generally assumed that about half of the ethanol is produced from chametz.<sup>36</sup>

25. R. Shlomo Zalman Auerbach (Shu't Minchat Shlomo 1:17) uses this argument in a discussion about inedible medications on Pesach. He references the halachot of *hechsher lekabalat tuma* - those liquids that render a food susceptible to receive tuma - and observes that only those liquids which are deemed edible for humans qualify as *mashkim* for this halacha. Nevertheless, the Rambam (Hilchot Tumat Ochlin 10:2) includes in this category ear wax, nose mucus and urine! Clearly, these liquids have never been drunk in normal situations, but they are deemed to remain halachically edible.

26. This is based on Gemara Ervin 28b which regards bitter almonds as halachically edible since they can be rendered edible by roasting.

27. This argument is raised by R. Yosef Shaul Nathanson in Shu't Sho'el U'meishiv 1:1:141.

28. R. Frank brings this argument but ultimately rejects it as contradicting another psak of R. Nathanson that permits soap on Pesach since it is inedible. It also seems to be in conflict with the ruling of the Shulchan Aruch concerning the ink (above). As such, most poskim reject this stringency, although some take it into account as a chumra for Pesach (see Yesodei Yeshurun 6:227).

29. R. Frank brings this argument for stringency in the name of Shu't Levushei Mordechai (OC 86).

30. Shu't Minchat Elazar 5:37 rejects this argument, while still noting that many poskim remain strict on the issue of denatured alcohol. He is discussing whether gasoline made from denatured alcohol may be used on Chol HaMoed. He argues that denatured alcohol IS something which in principle could be edible for a dog since even dogs can acquire a taste for alcohol (see Rosh Hashana 4a which discusses the possibility of training a dog to drink wine!). On the other hand, the vast majority of dogs do not drink alcohol, so maybe we should reject this response on the basis of *batla da'atan etzel kol haklavim!* Nevertheless, the Gemara refers to a dog being trained to drink alcohol and, since it is normal for dogs to do as they are trained, perhaps the rule of *batla da'atan* is inapplicable and the argument for leniency stands.

31. Yalkut Yosef, Moadim p. 360.

32. This lenient view may possibly be supported by Shulchan Aruch 442:9 which permits using a block of hard chametz which has been smeared with clay as a seat on Pesach. The Mishna Berura (442:42) rules that the smearing with clay removes its status as food. Even though the clay could be removed, rendering the chametz edible, since this would not normally be done, the halacha continues to regard the block of chametz as inedible. This proof may not however be as relevant since the poskim disagree on whether one is actually allowed to benefit from the seat since the chametz is inedible (Aruch HaShulchan OC 442:30), or if one is simply exempted from destroying it but actual benefit it still prohibited (Sha'ar Hatzium 442:72).

33. R. Chaim Jachter quotes R. Yosef Adler that this was the view of R. Soloveitchik.

34. See for instance Shulchan Aruch 168:6 concerning the amount of mezonot which would be considered a 'meal' to require *bircat hamazon*, and Shulchan Aruch YD 198:1 concerning what constituted a *chatzitzta* for mikve. In each of these cases, the halacha is determined by the views of normal people.

35. On the other hand, if a significant minority of people behave in this way, we would not normally say *batla da'atan*. In Russia it is estimated that 12 million people regularly ingest alcohol made from substances such as medical ethanol, window cleaner, windscreen wash and perfume. See also Shabbat 92a-b and Tosafot Shabbat 92b s.v. *ve'im timza lomar*. The Gemara there deals with the people of Hutzel who carried items on their heads. Does this become a normative method of carrying on Shabbat? Tosafot suggest that an usual practice of a small minority of people could still be considered normative if others would also act in that way in those same circumstances. For instance, the Gemara observes that some Arabs grow thorns to feed their camels. Although most people in the world do not grow thorns, they would if they kept camels! So too, most people do not drink windscreen wash, but maybe they would if they lived in Siberia!

36. It is often difficult to trace the source of denatured alcohol in a specific product. R. Doniel Neustadt (*The Monthly Halachah Discussion* pp. 187-188) reports that even manufacturers are often unaware of which type of alcohol their products contain. Since they use whatever ingredients are available for the lowest price at the time of manufacture, they often do not have information about the origin of the alcohol in a product manufactured six months before purchase. If a majority of the alcohol used in a specific product is synthetic, this may be another ground for leniency. Indeed, R. Ovadia Yosef ruled leniently concerning some Israeli products at the time, specifically because most of the denatured alcohol in them was synthetic. This argument will obviously be subject to change over time as production methods evolve.

(iv) Is alcohol definitely considered chametz, even if it comes from one of the 5 grains? Some authorities<sup>37</sup> argued that alcohol is classified in halacha<sup>38</sup> as *zei'a b'alma* - 'mere sweat' i.e. of no substance, since it is obtained through distilling. As such it may be prohibited as chametz only rabbinically. The clear consensus of poskim is that alcohol derived from chametz is biblically prohibited<sup>39</sup>.

#### C4] COSMETICS AND DENATURED ALCOHOL - THE PRACTICE

- In practice, many poskim<sup>40</sup> recommend that one should not use cosmetics containing denatured alcohol found in liquids. This will include liquid, spray and roll-on deodorant, hairsprays, perfumes, colognes, shaving lotions, aftershaves and mouthwash (see below). These items would need to be included in the sale of chametz. Denatured alcohol usually appears in the ingredients as 'alcohol', or 'SD' [special denatured], or 'SDA' [special denatured alcohol].
- However, even according to this stringent approach, most poskim rule that cosmetics containing denatured alcohol but which are COMPLETELY inedible are permitted. These will include: all varieties of blush, rouge, body soap, creams, eye shadow, eyeliner, face powder, foot powder, ink, lotions, mascara, nail polish, nail polish remover, ointments, hand lotions, salves, paint, shampoo, stick deodorant, shoe polish and paint. These are completely unfit for consumption and permitted on Pesach according to most opinions.
- Other poskim are lenient with all items containing denatured alcohol and permit their use on Pesach.

#### D] CHAMETZ AND NON-FOOD PRODUCTS THAT COULD BE INGESTED

16. ... ואין מתירין שום דבר איסור לחולה אם יוכל לעשות הרפואה בהיתר כמו באיסור, אף על פי שצריך לשהות קצת קודם שימלא הדיקה, מאחר שאין סכנה בדבר.

רמ"א שולחן ערוך יורה דעה הלכות עבודת כוכבים סימן קנה סעיף ג

*As we saw in the previous shiur, Rema rules that wherever there is a halachic leniency for a chole (even whose life is not in danger) to use a product which is normally prohibited, they must always use a permitted substance if readily available.*

- On that basis, should we always look for a Pesach option with a hechsher if one is readily available?

#### D1] DISH SOAP

17. בבורית שעושין מאלקאהאל שבא מחלב שפגום מאכילת כלב אם מותר לנקות כלים בו. כ"ג שבט תשכ"ו. מע"כ ידידי הנכבד הרה"ג ר' דובער ליווי שליט"א.

הנה בדבר בורית מאלקאהאל שעושין מחלב, ואופן עשיית האלקאהאל הוא שמתחלה מבשלים החלב עם מיני עסיד, ומה שראוי לאכילת אדם מסלקים משם. ואת החלק שאינו ראוי לאכילה מבשלים אותו בחתיכות מתכות וגעז עד שנעשה מזה אלקאהאל שהוא סם המות להרבה בע"ת. אם מותר להשתמש בבורית זה לנקות כלים.

הנה אם אמת הדבר אינו רואה בזה שם איסור, דרק לאכול דבר איסור שנפסל מלאכול לכלב אוסר .... מטעם אחשביה ... דמה"ט מתיר לכתוב בחוהמ"פ בדין שמבושל בשכר שעורים דאף אם ישכח ויתן לתוך פיו הרי יהיה זה בלא כוונה לאכילה דליכא אחשביה .... וא"כ כ"ש שליכא אחשביה לאוכל בזה שמנקה הכלים דאדרבה כשהוא אוכל אינו ראוי לנקות הכלים. ולכן לע"ד אין לאסור לנקות בבורית שנעשה מאלקאהאל זה את הכלים. ואפילו לעשות לכתחלה האלקאהאל לצורך בורית מזה אין לאסור, דלא שייך בזה איסור בטול איסורין, דלעשות איסור שיפגם אין בזה איסור בטול איסורין. ...

שר"ת אגרות משה יורה דעה חלק ב סימן ל

*R. Moshe Feinstein rules that all washing-up liquid is totally inedible and therefore 'he cannot prohibit' its used on kosher dishes all year round. This may imply that he would prefer a kosher alternative where possible.*

- R. Eider recommends washing-up liquid which has a hechsher for Pesach.

37. See Shu't Chacham Tzvi 20, Shulchan Aruch HaRav OC 442:9 and Sha'arei Teshuva 442:3.

38. See Berachot 37a. R. Jachter quotes R. Yehuda Amital in a personal conversation as saying that the lenient view on this might be utilized as a *snif l'hakel* (a lenient consideration) regarding the question of owning products that contain *chametz*. This is also the opinion of R. Chaim David Halevi (*Techumin* 3:69). See also Shu't Rivevot Efraim 5:312 dealing with the case of a ba'al teshuva who owned a very expensive whisky collection. He was not excited to learn that ALL of this whisky had to be poured down the sink since it had been owned by a Jew (him!) over Pesach. Since the prohibition to benefit from chametz which was owned by a Jew on Pesach is rabbinic, and to throw away this whisky would have been a very significant financial loss, the Rivevot Efraim allowed him to sell the collection. Other grounds for leniency in this case included the question as to whether the penalty of not benefiting from chametz owned by a Jew on Pesach would also apply to non-observant Jew. For a more detailed analysis see *Chametz After Pesach - Corporate Conundrums* at <https://rabbimanning.com/index.php/audio-shiurim/chagim/>

39. Mishna Berura 442:4.

40. See R. Shimon Eider, *The Halachos of Pesach* p25-26.

D2] LIPSTICK

- R. Shimon Eider assumes that lipstick is totally inedible and normal lipstick may be used on Pesach, although he does recommend using a fresh stick. He cautions, however, against using flavored lipstick.
- Others poskim require that one should only use lipstick that is completely free of chametz on Pesach.

D3] MOUTHWASH

- Poskim who are stringent on denatured alcohol rule that one should not use mouthwash on Pesach containing denatured alcohol<sup>41</sup>.
- However, Piskei Teshuvot (442:10) assumes that any chametz contained in mouthwash is inedible and one may therefore use unsupervised mouthwash on Pesach<sup>42</sup>.
- R. Hershel Schachter (Daf Ha-Kashrus 12:2) rules that all mouthwash is inedible and therefore permitted.

D4] TOOTHPASTE

- Most toothpastes contain some non-kosher ingredients to make them palatable, including sorbitol (a sweetener), glycerin (from animal fat or vegetable oil, which provides sweetness, smoothness, and keeps the toothpaste moist) and other flavors.
- Many poskim take the view that toothpaste is completely inedible. This is the position of R. Tzvi Pesach Frank<sup>43</sup>, R. Soloveitchik, R. Moshe Feinstein<sup>44</sup> and R. Ya'akov Kaminetsky<sup>45</sup>. As such, one need not be concerned if it contains prohibited ingredients.
- The common custom seems not to require toothpaste under Rabbinic supervision during the year. Some poskim however rule that, even though toothpaste is inedible and the principle of achshevei would not apply even if one accidentally swallowed it, on Pesach one should still, if possible, use toothpaste without any concern of chametz<sup>46</sup>.
- Other poskim insist that toothpaste, especially toothpaste that has a pleasant flavor, is considered fit for consumption. Therefore, even during the year one should purchase toothpaste that does not contain non-kosher ingredients. Many people are simply more hesitant about putting non-kosher ingredients, even those rendered inedible, into their mouth.
- Many people have a custom to use a new tube of toothpaste, as well as a new toothbrush, on Pesach.

18. הטוטפיס"ט גם כן נפסל הוא מאכילת אדם (כאשר כבר כתבתי בדף הכשרות מחשון תשס"ד). ואין כאן ענין של אחשב'. וכן שמעתי בשם הגר"י ברויאר ז"ל, שמיאן ליתן הכשר לחברת אדוו"י לטוטפיס"ט על פסח, כי ה' סבור שמעיקר הדין אין צריך לזה שיה' כשר, וכנ"ל. וחשש שמא חברת אדוו"י יפשטו את הרגל, והעולם יזכרו שלפני שנה ה' הכשר של רב ברויאר על הטוטפיס"ט, ובשנה זו כבר אינו קיים טוטפיס"ט עם הכשר. וימנעו מלהשתמש בטוטפיס"ט בפסח, ואת זה לא רצה.

פסק הרב הרשל שכטר<sup>47</sup>

*R. Herschel Schachter<sup>48</sup> permits all types of toothpaste and records the concern of R. Yosef Breuer who would not give a hechsher to Adwe toothpaste on Pesach in case people later thought that only kosher lePesach toothpaste was acceptable, and did not brush their teeth for the whole of the Chag!!*

41. R. Shimon Eider, the Halachos of Pesach p 26.

42. R. Meir Bransdorfer (Shu't Knei Bosem 1:25) rules that mouthwash containing inedible chametz is permitted on Pesach only if one does not intend to eat or enjoy its taste. This may vary from person to person but would imply that he would forbid using mouthwash unless it has a 'medicine-like taste'. Some poskim write that breath sprays and breath strip fresheners that are intentionally swallowed require kashrut certification for Pesach and year-round use. However, R. Jachter writes that he heard from R. Hershel Schachter that these items do not require kashrut certification for Pesach or year round use, since they are inedible and one does not intend to consume them for the purpose of eating.

43. Shu't Har Tzvi, YD 95. Nevertheless, R. Eider reports that both R. Feinstein and R. Aharon Kotler recommended buying toothpaste for Pesach with a hechsher.

44. R. Eider, p. 27, fn. 108.

45. [https://www.crcweb.org/kosher\\_articles/status\\_of\\_toothpaste.php#:~:text=Since%20you'd%20never%20consider,%E2%80%93%20this%20would%20%E2%80%9Cedible%E2%80%9D](https://www.crcweb.org/kosher_articles/status_of_toothpaste.php#:~:text=Since%20you'd%20never%20consider,%E2%80%93%20this%20would%20%E2%80%9Cedible%E2%80%9D). The CRC report that, since the majority of the toothpaste is made from an inedible item, R. Kaminetsky ruled that the toothpaste would remain kosher even if the glycerin used was not kosher. He reasoned that the halachic principle of *ta'am k'ikar*, which states that any non-kosher ingredient which affects the taste of the food causes all the food to become forbidden, only apply to "foods". As such, even if the paste contained 30% glycerin it may be used, as more than 50% of it is inedible calcium carbonate. However, the CRC reports that, in recent years, calcium carbonate has been replaced with hydrated silica (a sand product) as the abrasive, which has repercussions for R. Kaminetsky's psak. This is because the ingredient panel of most toothpastes list hydrated silica as the 2nd, 3rd or even 4th ingredient which is a sure indicator that the first few ingredients are the majority of the toothpaste. Those ingredients – water, glycerin and sorbitol – are regular food ingredients, and in fact, the inedible hydrated silica is usually only around 20 percent of the toothpaste. If indeed the majority of toothpaste is not the inedible hydrated silica, but rather a food item (water, glycerin, sorbitol, etc.), several poskim (including R. Yisrael Belsky) ruled that R. Kaminetsky's reasoning no longer applies today. As such, some poskim recommend only buying toothpaste with a reliable kosher certification all year round. Others suggest reviewing the ingredient panel and only buying toothpastes that do not contain any glycerin. Yet others recommend buying the ones that have the glycerin listed towards the end of the ingredient panel. Finally, there are poskim to permit any brand and type, based on the opinion that does not consider toothpaste a food item. R. Herschel Schachter permits all toothpaste. See also Sha'arim Metzuyanim Behalacha 46:7 which permits toothpaste and gives a rationale which would permit the toothpaste even if the non-kosher ingredient were the majority.

46. R. Eider reports this as the position of R. Moshe Feinstein.

47. <https://oukosher.org/blog/consumer-kosher/whats-the-truth-aboutkosher-soap/> footnote 14.

48. R. Jachter reports that R. Schachter told him that R. Feinstein's preference to avoid using non-kosher items, even if they are inedible, is not strictly because of kashrut but due to concern for 'timum halev' (spiritual contamination) resulting from the consumption of non-kosher food, even if it is consumed in a permissible manner. The Rama (YD 81:7) expresses similar concerns when he rules that one should attempt, where possible, to have a baby nurse from someone who consumes only kosher food. R. Schachter also understands that the Rama's prohibition against using a forbidden item when a permitted alternative was available applies only if the item is edible. It would not therefore be relevant to toothpaste, mouthwash, dish soap etc. This approach is supported by Pitchei Teshuva (YD 98:1), Mate Yehonatan (YD 108:5), and Shu't Har Zvi (YD 95).