



Daf HaKashrus

CONSUMER EDITION

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You sit down to the Purim *seudah*, relishing the thought of the delicious wine you have chosen for the occasion. As you go to open the bottle, the closure comes off easily—and intact! Oh no! The bottle wasn't properly sealed! Has your mitzvah of *ad dela yada* been compromised?

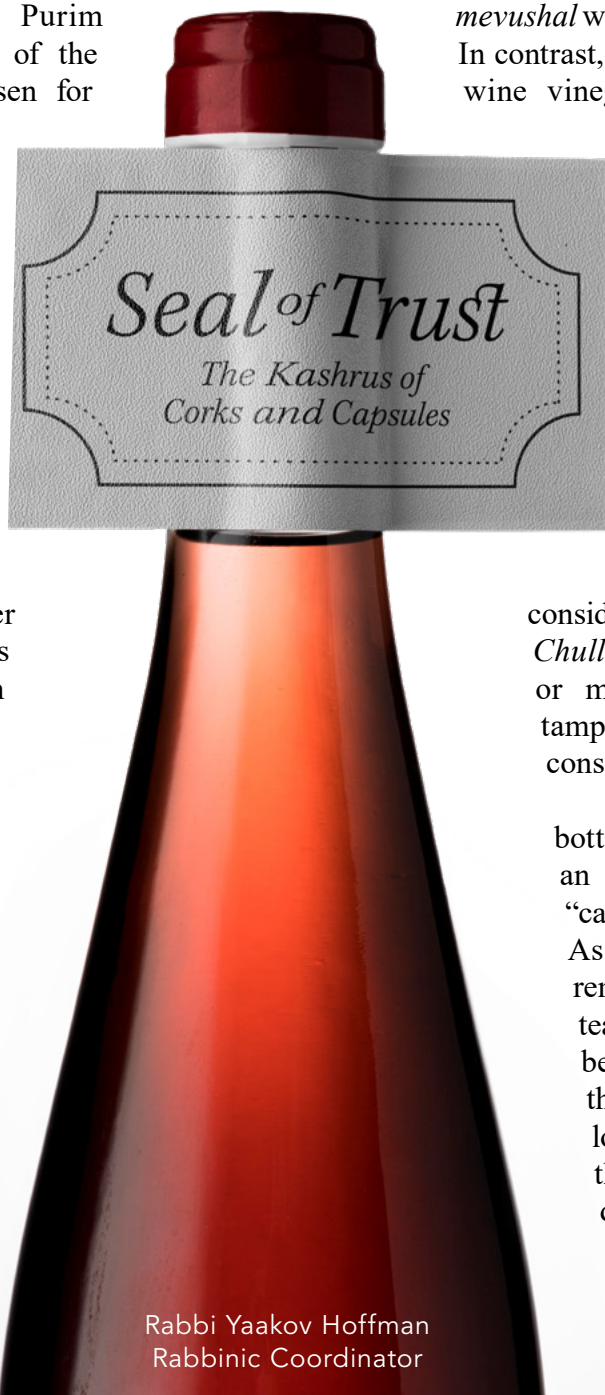
Highly sensitive products must be sealed when leaving the kosher production facility, as they are liable to be replaced with a non-kosher substitute. Since wine carries with it the additional concern that it may be used for idol worship, Chazal required that wine bear a double seal (*Avodah Zarah* 31a, *Yerushalmi* 2:3). Nowadays, there are strong grounds to permit wine with only one seal, as a majority of the general populace does not engage in idol worship or private libations to *avodah zarah* (*Kaf Hachaim* 118:5; *Taz*, *Yoreh Deah* 118:4).¹

Lechatchila, however, it is proper to continue to adhere to the Talmudic requirement of a double seal for non-

mevushal wine;² indeed, this is OU policy. In contrast, *mevushal* (cooked) wine and wine vinegar, which are never used for libations, require only one seal/*chosam* (*Avodah Zarah* 29b).

Despite the terminology of “single seal” and “double seal,” a closure’s halachic status depends on quality rather than quantity. A single closure that is extraordinarily difficult to forge is considered “two seals” (cf. Meiri, *Chullin* 95a). Conversely, two or more closures that are not tamper-evident would not even be considered one *chosam* (seal).

Most contemporary wine bottles are closed with a cork with an additional wrapper (called a “capsule”) over the bottle neck. Assuming that it cannot be removed from the bottle without tearing or crumpling, and that it bears a unique design (such as the symbol of the *hashgacha* or logo of an all-kosher winery), the capsule alone counts as a double *chosam* (*Beis Hayayin* 130:47). After all, it would take herculean effort for a someone to gain access to



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bottle-sealing machinery as well as duplicate the design on the capsule.

If the capsule is nondescript, however, it would only be considered one *chosam*. Can the cork count as the additional required seal in such a case? Some rule that a cork is not a *chosam* at all, even if distinctively imprinted, because it can theoretically be removed and reinserted unnoticeably (cf. Responsa *Avodas Hagershuni* 98). Others argue that few people would be confident in their ability to re-cork the bottle undetectably (especially since the most common method of removing a cork involves puncturing it); thus, a cork serves as a deterrent from tampering with the wine and constitutes a *chosam* (cf. Responsa *Mas'as Binyamin* 29).³

It seems reasonable, in practice, to consider a cork the equivalent of a *mafteach* (a less tamper-evident seal acceptable in conjunction with a proper *chosam*

[*Yoreh Deah* 130:1]). Thus, a cork plus a capsule would be the equivalent of a *mafteach+chosam*, which is halachically equivalent to a double *chosam* (*Yoreh Deah* 130:7). However, a cork alone should not be used to seal even *mevushal* wine, because it is far from clear that it constitutes a *chosam* on its own.⁴

A blank cork and capsule are only effective *chosamos* if the potential for *kashrus* mix-up occurs after the wine leaves the winery. If a plant bottles both kosher and non-kosher versions of the same wine, such as many French *châteaux*, the easy access to wine bottling equipment opens the door for sealing non-kosher wine in a bottle labeled as kosher (*Otzar Hayayin* 130:7:11). In such a situation, even corks and capsules imprinted with the logo of the winery—or any design also used for the non-kosher run—would not be acceptable. The *chosamos* in such wineries must be clearly distinguished from the seals used for the non-kosher product and remain under the strict control of the *mashgichim* (*Beis Hayayin, Beiurei Halacha* 130:6 s.v. *vehadfusim*).

In such a situation, merely adding the words *כשר לפסה* to the winery's regular corks and capsules is not ideal. After all, the winery itself is perfectly capable of adding a few Hebrew letters to their standard packaging (cf. *Yoreh Deah* 130:6). The *chosamos* of the kosher wine should bear a complex design such as the logo of the *hashgacha*. Although it is theoretically possible for the non-kosher winery to copy the logo and print it on capsules, doing so requires extra effort and would entail prosecution under secular law for trademark violation (*Otzar Hayayin*, intro to 130:6:6).⁵

The superior method of sealing bottles of kosher wine produced at a non-kosher winery is to affix a hologram.⁶ Holograms are extremely difficult to forge and not generally used by non-kosher wineries at all. However, due to a variety

of issues, the application of holograms to retail packaging is not practical as a blanket policy.

Recently, some wineries have switched to using screw caps instead of the traditional cork and capsule bottle closure. To forge a screw cap, a gentile would have to arrange to have appropriate-looking caps manufactured as well as access specialized machinery to install them on the bottles. One screw cap is therefore considered a “double” *chosam* (*Otzar Hayayin* 130:7:10).

In fact, screw caps are a more reliable seal than traditional closures, since it is technically possible to use a tiny syringe to extract and insert wine from and into a cork-sealed bottle (sometimes without puncturing the capsule, as most capsules have small holes). This concern is remote and not halachically significant at the present time (*Otzar Hayayin* 130:7:6), but screw caps may become more necessary *kashrus*-wise as technology progresses. A major disadvantage of screw caps, though, is that many *poskim* forbid opening them on Shabbos.

A small minority of wine bottles are sealed

with a “crown cap” (so called due to its distinctive indentations that look like a crown) like those used for beer bottles. The question of a crown cap’s acceptability as a *chosam* is like that of a cork. With a little care, one can remove the cap undamaged and use it to reseal the bottle; however, there may be room to rely *bedieved* on a crown cap since most people would not be confident in their ability to replace it imperceptibly.

Wait, you have been sitting here patiently waiting for a *psak*! Your seudas purim is still in jeopardy! Can you enjoy this bottle of wine, or must you find another? If the seal’s defectiveness was not apparent at a glance, one may assume that no one noticed that the seal was faulty and it served its purpose of deterring any gentiles from tampering with the wine (Rema, *Yoreh Deah* 130:8; *Beis Hayayin* 130:47). Baruch Hashem!

Nevertheless, a *kashrus* agency must ensure that wine under its supervision goes on the market only with seals that are adequate *lechatchila*.

L’chaim!



TRIJET
CAPSULE



LOUIS ROYER
CAPSULE



PROPERLY PLACED
HOLOGRAM



CLARKE
CAPSULE

1 An additional reason to accept only one *chosam* for wine is that consumers are generally aware of how the closure of any given brand of wine looks and will surely notice if anything is slightly off (cf. Tosafos, *Avodah Zarah* 31a s.v. *da'amar Rav*, at the end).

2 *Yeyn Malchus* 12:6. *Beis Hayayin* 131:38 notes that this is especially important if the wine will be sold in a non-Jewish liquor store.

3 It is interesting to note that the corks of prestigious non-kosher wines are imprinted with the manufacturer and vintage to ensure that the contents of the bottle match what is stated on the label; i.e., that the bottle was not refilled with counterfeit wine and recorked. Even the industry views corks as “*chosamos*.”

4 If the equation of a cork to a *mafteach* is correct, there is room to permit a cork alone *bedieved*, relying on the minority opinion that permits a *mafteach* by itself.

5 It would seem that *bedieved*, even a plain text imprint would be acceptable if the setup is such that the winery would likely be caught (e.g., by the kosher-observant importer) if they tried to pass off non-kosher product as kosher and thereby jeopardize its reputation and participation in the lucrative kosher market (see *Beis Hayayin*, *Beiuerei Halacha* 130:6 s.v. *vehadfusim*). Indeed, forgeries of kosher seals on the industrial level are almost unheard of; see *Otzar Hayayin*, intro to 130:6:6.

6 In order to be a proper *chosam*, the hologram must be placed partially on the capsule and partially on the bottle, so that removing the capsule necessarily destroys the hologram. However, there is room to be lenient even if the hologram was placed elsewhere on the bottle, since the bottling equipment would ruin the hologram if the winery attempted to refill a kosher-labeled wine bottle with non-kosher wine.

Consumer Conundrums



What is considered a proper seal for kosher food?

A proper Kosher seal (known as a "siman" or "chosam") need not be tamper-proof. Rather, a seal is adequate if duplication (after tampering) would involve significant effort.

For example, a signature on a tape is considered a siman, even though the tape can be replaced and the signature can be duplicated. Nonetheless, counterfeiting a signature requires significant effort, and, therefore, a signature is a valid seal.

Which foods require one seal and which require two seals?

The Gemara (Avoda Zara 39a) writes that filleted fish, meat, wine (non-mevushal) and t'cheilis (tzitzis strings dyed blue) require two seals. Bread and cheese only require one seal.

There are three explanations for these distinctions:

Shulchan Aruch writes that whenever there is a possible Torah prohibition, as is the case of meat and fish, we require two seals. (There is an added stringency with respect to non-mevushal wine. Two seals are required, even though non-kosher wine is a Rabbinic prohibition.) However, gevinas akum (cheese made by a non-Jew) and pas akum (bread baked by a non-Jew, even though all the ingredients are kosher) are rabbinic prohibitions, and one seal suffices.

Rashi explains that expensive items, such as meat and fish require two seals. Inexpensive items, such as cheese and bread, require only one seal.

There is a third explanation offered by the Ran. Items that can be completely non-kosher, such as meat and fish, require two seals. Foods that, at worst, would only have a mixture of non-kosher ingredients, only require one seal.

The Shach (YD. 118:5) rules that we should be strict and require two seals if any of these three reasons apply.

This Consumer Conundrums is taken from OU Kosher's Halacha Yomis.
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