

WINEMAKING IN A NON-JEWISH WINERY

ISSUES IN KOSHER WINE PRODUCTION

The manufacture of kosher wine outside of Eretz Yisrael, where almost all the wineries are owned and staffed by non-Jews, has three main kashrus difficulties, which may be avoided in Jewish wineries in Eretz Yisrael. Firstly, there is the obvious problem of preventing any staff member from having access to handle machinery or movement of wine prior to bottling or cooking. Secondly, there is the issue of *metaher yeno shel akum*, purifying wine of a non-Jew, which refers to the strict conditions set by Chazal to permit Jewish supervision of wine produced in a non-Jewish owned winery. The third issue is the difficulty in kashering the winemaking equipment, especially the enormous storage vessels used in the maturation process. We shall focus here on these three main issues regarding winemaking.

MASHGICHIM OPERATING THE WINERY

The obvious implication of barring non-Jews of any contact with the wine is that the *mashgichim* have to carry out any operation in the winery until pasteurization and press all the buttons and switches in the course of production rather than simply supervise the operation. Experienced *mashgichim* will know how to operate the machinery themselves, but if inexperienced *mashgichim* are used, they must be accompanied by factory workers who will instruct the *mashgiach* exactly which buttons to press at each stage of production, including extracting samples for the regular testing which allow the winemaker to monitor the status of the wine. If an engineer has to be called in to repair faulty equipment, he must instruct the *mashgiach* how to carry out the repair, as any of the mechanisms may involve movement of wine. The equipment and tanks have to be sealed with a double seal, which is done by wrapping two pieces of preprinted tape around each opening, with the *mashgiach* writing his name in Hebrew across the top of the tape. On return, the *mashgiach* must check that he recognizes the signature and the way the seals were placed.

SEPARATING THE WINE

The point at which contact is prohibited is defined in *halachah* as *hamshachah* - the drawing of wine (*Shulchan Aruch, Yoreh De'ah* 123:17). As long as the mixture of crushed grapes has not had the wine separated from it, *hamshachah* has not taken place yet and non-Jewish contact does not matter. However, even if a small cup of juice was drawn from the mixture, *hamshachah* has been activated, and the entire vat would become forbidden to non-Jewish staff contact. Rav Yirmiyahu Kaganoff writes that he was once visiting a kosher wine production and he saw a lab technician placing a paper cup to draw his sample of juice from the crushed grapes, before *hamshachah*, for testing. This simple act made the entire batch into prohibited wine. Unfortunately, the inexperienced *mashgiach* had not received any instructions in this regard and this is typical of how easy it is for things to go very wrong with a weak *hechsher*. (The Rav HaMachshir later claimed that he had given strict instructions that winery staff may not touch the wine, so it was impossible for it to have happened!)

INTENTIONAL HAMSHACHAH

Generally, for *hamshachah* to be considered activated, it must be intentional, but not if it was unintentional. However, a problem arises on transportation of the grapes from the vineyard, where the considerable weight of the grapes themselves may cause some juice to exude. In order to avoid spoilage of grapes lying in this liquid and early fermentation, many wineries have introduced containers (benns) which have a grill at the bottom to drain the juice from the grapes. This juice is not wasted and is utilized in a later process, and the use of the grill may well be regarded as an intentional separation. If it were to be so, then the *mashgiach* would have to start his duties earlier and drive the tractor from the vineyard to the winery or alternatively ensure that such grills are not used.

NON-JEWISH WINERY

Winemaking is very different from normal kashrus supervision where the main concern is that the ingredients are kosher. The winemaker is closely involved with the entire process, sampling and testing the status of the wine in each stage of the production, and there is a great temptation for him to ensure that his product is progressing correctly.

With other food productions, it is sufficient for the *mashgiach* to apply a double seal to guarantee that non-Jews have no access to the product when he leaves the factory. However, *Avodah Zarah* 61a determines that this was an insufficient safeguard against the winemaker sampling the wine in his absence but allowed it where the non-Jew did not own the wine, as then he had less interest in its perfection. In order to activate change in ownership prior to production, the non-Jewish winery owner and the Jewish dealer must sign an irrevocable purchase contract in respect of all the wine being produced, legally enforceable under local law, allowing the Jew to take delivery at his request. In addition, part-prepayment must be made. Once the Jew owns the wine, the vintner will have less temptation to sample the wine. Some *poskim* hold that if the *mashgiach* checks the seals



The mashgiach drives the tractor to bring the grapes from the vineyard



Barrels double sealed with printed tape.

every time before opening and can recognize the signature of the *mashgiach* who previously sealed the wine and the way he placed the seals, then the prior purchase contract is not necessary, as then it would be very difficult for the winemaker to break the seal and sample the wine. The winemaking process is quite lengthy, protracted over many months, during which time the wine often needs checking, requiring attendance of the *mashgiach*. All the equipment must be properly sealed again each time the *mashgichim* leave the premises. However, some *poskim* do not accept this leniency and maintain that there must be an irrevocable purchase contract in place even where the *mashgiach* recognizes the signature. In practice, it is often difficult to convince a winery to enter into such a legal agreement, but stricter kashrus authorities will only allow production with this contract in place. There is also an issue of purchasing wine at a time when the winemaker has not taken delivery of the grapes yet, as they will be harvested and delivered each day. This is a technical issue of *davar shelo ba leolam*, selling something one does not own. Stricter kashrus authorities will arrange for the *mashgiach* to pay a coin to the vintner each day.

DOUBLE CAUSTIC WASH

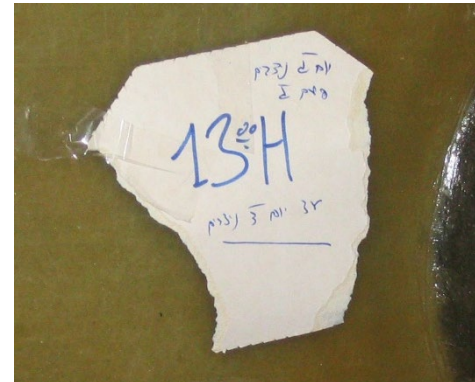
Winemaking in a facility which is not dedicated to kosher production will need to undergo a lengthy koshering procedure. Winemaking equipment is used cold and in accordance with the rule that contamination is removed in the same way as it entered the vessel, rinsing with cold water should be sufficient. However, wine/juice is a naturally sticky product containing a lot of sugar which is hard to remove. Therefore, unique to winemaking, *Avodah Zarah* 74b teaches the kashering technique of *niguv* (“drying out”), which follows an initial ordinary cleaning, rendering everything spotless. Equipment used for processing but not for storage of more than three days can be kashered with *niguv*, which involves washing with water, caustic soda (equivalent to the Gemara’s ash), then again water and caustic soda and again water. This would include the de-stemmer and its tray, the press, the cooling tank, with all connecting pipes and pumps.

TRIPLE SOAK

Miluy ve'iruy is used for holding tanks where non-kosher wine is stored for more than three days. This involves filling the container with water to its brim and leaving it full to soak for twenty-four hours, after which it is emptied; this process being repeated three times. The timing of each filling with water should be noted to ensure the triple 24 hour cycle is completed. As koshering throughout the winery proceeds, the koshered status of every item is noted, so as to have efficient control of the progress of this lengthy kashering process. Some wineries will not agree to using such vast quantities of water, or to accommodate a delay of cleaning for over three days, so this may not be a viable option. An alternative way to kasher a storage tank is with *hagalah*, purging it with boiling water. Pouring boiling water over a red-hot stone would ensure that no temperature is lost and is equivalent to a *kli rishon* (literally, the first vessel over the fire). When processing big tanks with a capacity of thousands of liters, it is not practical to use boiling water in this way. Some kashrus authorities wish to rely on koshering with high pressure hot water jets, claiming that it is like a *kli rishon* and can replace *miluy ve'iruy*. However, since the temperature does not reach 100°C/ 212°F and there is no red-hot stone to boost the temperature, the water cannot be classed as *kli roshon*. Although *miluy ve'iruy* should dilute the strength of all tartar and residue remaining on the sides of the tank, some *poskim* say that koshering with *miluy ve'iruy* or jet cleaning does not help if any residue remains, and that it should be burnt off first.

DAMP PRESS RESIDUE

Let us highlight another issue that is easily overlooked. The residue remaining after juice is extracted from the grapes in the press falls into a tray underneath the press and is pressed together into a cake. It is usually removed from the press by staff cleaning up after the *mashgiach* has left. Although this cake is assumed to be dry, it does sometimes contain excess juice moisture, which would render the press prohibited if handled by a non-Jew. Stricter *hechsherim* will therefore insist that only the *mashgiach* is permitted to remove the residual cake and staff access is not allowed until the press has been cleaned with water, otherwise the press would need to be *kashered* again. In practice, it was found that the moisture level was sufficiently high to be considered “*tofeach al menos lehatfiach*” - capable of transferring its dampness. The winemaker explained the reason it was damp was because he did not wish to press the grapes excessively, as juice from the final pressing was too astringent. It is small matters such as these which can be easily overlooked but are halachically significant, and they highlight the difference between stricter and weaker *hechsherim*. One can appreciate why some are selective in which wine *hechsher* they drink.



Affixing a record of the start and end time on each piece of equipment

