

## THE SIGNIFICANCE OF AROMAS

### TRANSFER OF TASTE IN OVENS

A kitchen where a single oven is used for milk, meat and pareve baking presents several kashrus challenges as the taste of one food can mix with the other. There are three principal ways that flavor can travel from one food to another: by physical contact, in steam and with wafting aromas. There are two *sugyos* in Shas which deal with the status of aromas and as they appear to produce opposite halachic conclusions, they need to be reconciled.

#### THE WINE TESTER

The *sugya* in *Avodah Zarah* 66b debates whether a Jew may test the wine of an idolater using a “*bas tiha*”. This is an instrument that allows wine to be sampled and smelled to check for spoilage, without allowing air to enter the sealed barrel which would cause oxidization. A small hole is made in the stopper through which a tube is inserted, and wine is sucked into the tube without entering the tester’s mouth but enables him to inhale the wine’s aroma. Abaye prohibits a Jew to do this, but Rava permits it, because he holds that aroma is not significant – *reicha lav milsa*. The wine’s aroma is not like the wine itself and inhaling the aroma of a prohibited food is not like eating it. Aside from six exceptions, we always rule like Rava, so it follows that the *halachah* should be that *reicha lav milsa* – aromas have no effect in kashrus.

#### NON-KOSHER WAFTS

The second *sugya* in *Pesachim* 76b cites a debate between Rav and Levi concerning kosher meat which was roasted in enclosed oven together with non-kosher meat. Rav holds that the kosher meat is prohibited but Levi argues that it should be permitted since *reicha lav milsa*, the wafting aroma from the non-kosher meat is insignificant and does not affect the kashrus of the kosher meat. Rashi points out that this machlokes appears to be an exact parallel to the wine testing *sugya* as the Gemara uses the identical terminology of *reicha lav milsa*. Thus, since we pasken like Rava as above, we must decide in favor of Levi that aromas have no significance, even if *psak* principles dictate that we would normally rule like Rav against Levi. However, Tosafos argues that although the same terminology is used, there are essential differences between the cases discussed in the two *sugyos*, and Rava may agree with Rav in his case of eating food flavored with non-kosher aromas as opposed to just smelling the aroma (*Tosafos, Avodah Zarah s.v. Rava*). According to Rashi we rule *reicha lav milsa* in both cases and the kosher meat is permitted, but Tosafos rules that we only say *reicha lav milsa* in the case of wine, but the meat would be forbidden as we hold *reicha milsa* generally.

#### APPROACH OF THE RIF

The Rif brings these two options and resolves like Rashi did in favour of Levi, that we rule aroma is not significant (*Chullin* p.32 of Rif pagination). The Rif explains that Rav is following his established opinion that mixtures of like foods, *min bemino*, can never become nullified. Even if one would hold *reicha milsa*, the quantity of aroma is so minute, it should be *batel* within the mixture, yet the meat aroma negatively affects the kosher meat according to Rav. The Rif answers that the case of two meats is *min bemino* where Rav holds there is no *bitul* and it is therefore forbidden, but as we rule that there is *bitul* even with *min bemino*, that is why we rule in favour of Levi.

#### CONTRADICTION

However, the Rif appears to contradict this ruling by citing a further case discussed in *Pesachim*, of bread or fish cooked in an oven with kosher meat. The Gemara relates that Rav Kahana prohibited eating *milchig* food with bread that was baked in the same oven as meat, and that Rava would not allow the consumption of milk with fish that was roasted in the same oven with meat. The Rif rules that one would not be allowed to eat the said bread with cheese *l'chatchilah*, and argues that Levi’s permit was stated in a post facto (*b'dieved*) situation, but in the first place it is not permitted. The question arises why did the Rif not consider this to be a case of *b'dieved*, as the bread had already been baked with the meat and the present issue is whether that bread can be eaten with cheese? The Rif explains that it is not *b'dieved* as he has the option of avoiding the problematic situation by eating the bread without cheese and even Levi would agree not to eat the bread with cheese *l'chatchilah*. The Rif then adds another point, that since he can eat the bread without cheese it has the status of *davar sheyesh lo matirin*, a mixture that contains a substance which is only temporarily prohibited (such as *chadash*) which cannot be nullified even when mixed in a ratio of one to a thousand, and one must wait until the *issur* is permitted. Since one has the possibility of eating the bread in a totally permitted way (without dairy) one should not eat it with cheese. If the food can become permitted otherwise, the laws of nullification do not apply, and even tiny particles of aroma are not nullified.

#### RAV ELYASHEV’S APPROACH

Rav Elyashev asks that the Rif has introduced a novel understanding of the concept of something that is temporarily prohibited, as the bread will retain its aroma status permanently, and it is just the suggested possibility of eating it avoiding any milk. Furthermore, the temporarily forbidden concept only applies in cases of *min bemino*, whereas the bread/milk case is of two different kinds of food. Rav Elyashev refers to the Ran (*Nedarim* 52a) who explains that *bitul* works when a majority opposes a contrary minority and can nullify it. This opposition can be in two ways: either

two different types of food, or two foods with different kashrus status, kosher and non-kosher. There is a *machlokes* between Rabbi Yehudah and the Rabbanan whether a food product mixed with a like product is nullified with a majority or there is no nullification at all (*Menachos* 22a). The Ran explains that Rabbi Yehudah, who holds that there is no nullification, views like items as reinforcing rather than weakening each other. The Rabbanan who hold that *bitul* applies even *min bemino*, regard *issur* and *heter* as two contrary kashrus statuses with sufficient opposition to each other to allow *bitul* to act. On that basis we can understand why the concept of no *bitul* with temporary prohibitions is only relevant in cases of like food items. Since there is no opposition in relation to the physical items, and the only opposition is regarding their kashrus status, since that status will change shortly, the non-kosher item is viewed as potentially kosher and does not pose sufficient opposition to the kosher item. Rav Elyashev uses this understanding to explain the Rif's ruling, that since the bread has a possibility to be eaten without a milk product, and is permitted in a limited way, it should also be regarded as a potentially permitted product and *bitul* cannot apply. Thus, Rif rules like Levi that *reicha lav milsa*, but only prohibits the bread *l'chatchila* because its potential permissibility prevents nullification, but in a *b'dieved* situation it would be permitted, as Levi only permitted it post facto (*Ha'oros HaRav Elyashev, Pesachim* 76b).

### SHULCHAN ARUCH

The Shulchan Aruch rules like the Rif's compromise and therefore one may not bake kosher and non-kosher meat in an oven at the same time, but if one did so, the kosher meat is permitted because we rule that aromas are insignificant (*Yoreh De'ah* 108:1). The Rema comments that the same would apply to baking meat and bread together, he would be permitted to eat the bread with milk only if he has no other bread, as that is considered *b'dieved*.

### STEAM EMISSION

Both *sugyos* appear to ignore the issue of steam and aromas emitted during baking would appear to be very similar to steam rising from food. However, the Rosh discusses the status of a pot of meat that is cooked above an open pot of milk. When the steam from the pot of milk makes contact with the meat pot, is the meat then prohibited? The Rosh cites a Mishnah (*Machshirin* 2:2) that steam retains the status of the substance from which it emerges (*Teshuvos HaRosh* 20:26). The Rosh therefore regards his case as similar to a drop of milk which falls on the side of a pot of meat which requires that the volume of the meat be sixty times as much as the milk for *bitul* to take effect. The Shulchan Aruch rules in accordance with the Rosh that *zei'ah*, steam, is considered like the substance itself (*Yoreh De'ah* 92:8). It is therefore surprising that the Gemara makes no mention of steam travelling from one food to the other. These *halachos* are particularly relevant to modern kitchen ovens. When foods containing liquids are cooked, steam rises and condenses on the walls of the oven, and its heat causes it to be absorbed by those walls. If subsequently food of a different kashrus gender is baked in the same oven, its steam will encounter the previously absorbed food and condensation containing particles of the previously baked food can then drip on the food currently in the oven.

### MODERN KITCHEN OVENS

The issue of steam in ovens is much discussed by the Acharonim, offering solutions which may affect the way your Rav will rule when he is asked about using a single oven in the kitchen for both milk, meat and pareve. This article will provide some background to the issues, but different oven models and halachic rulings require personal consideration. In order to explain why the Gemara makes no mention of steam, the poskim somehow limit the concern for *zei'ah*. The Aruch HaShulchan claims that steam is only an issue in small ovens but in larger ventilated ovens it may not be a problem. The Pri Megadim suggests that only liquids produce steam but not solids, and therefore the case of roasted meat had no steam. The illustration showing steam rising from the pizza. Pizza would be considered solid, and the rising vapour is halachically aroma rather than steam, unless there is liquid present, such as if tomato sauce is added. Rav Moshe Feinstein rules similarly, that we are only concerned about steam if the steam is really noticeable (*Igros Moshe, Yoreh De'ah* 40). Because of the complications, many opt for double or separate ovens rather than single ovens, but one must be guided by one's Rav.



*Although steam can be seen rising from this pizza in the oven, there is not sufficient steam to be called *zei'ah* and it is classed as *reicha*.*