

Baco Bits and Non-Kosher Taste: Halacha and *Hashkafa*

Rabbi Ari Z. Zivotofsky¹

Introduction

American kosher consumers apparently crave ever-increased variety, and the food industry has responded by developing an expanded range of kosher certified products. There are now kosher "Baco Bits" that taste like bacon, and kosher fake shrimp that looks like real shrimp. This trend dates to the 1960s when "Bacos," an inexpensive, non-meat, kosher substitute for bacon made from soy-fatted flour, became America's first commercially successful industrial soy food product.² Many of these products are either soy based or employ *surimi*, an ancient Japanese process that converts minced fish into a protein base,

1. A portion of this material was presented at the OU "Halachic Seudah" at Levana's Restaurant in Manhattan, a part of the Mesorah Conference held on 11 Iyar 5754. The author thanks Rav Dr. Binyamin Katzoff for assistance in researching this topic.

2. According to Mark Hasten (phone interview, July, 2005), one of the co-developers of Bacos, they were developed in the early 1960's by General Mills as a healthy, cholesterol-free alternative to bacon and it was unrelated to the kosher market. The work took place in Minneapolis and the local rabbi, Rabbi Yom Tov (Jerry) Herzog, was asked to inspect the process and certify it as kosher. He did, and eventually became the plant *mashgiach*. Rabbi Alexander Rosenberg (1903-1972) was rabbinic coordinator for OU kashrut and oversaw the granting of OU certification to the product. Today there are two similar products: Bacos produced by Betty Crocker (General Mills) and Bac'n Pieces-Bacon Flavored by McCormick (Hunt Valley, MD). Both are OU certified.

Rabbi Ari Z. Zivotofsky, Ph.D., is on the faculty of the Brain Science Program, Bar Ilan University, Israel.

which is then used in the preparation of various consumer products. Kosher *surimi* is used to make imitation crab legs, lobster, and shrimp, and all are deemed reasonable facsimiles of the real thing.

How does Jewish law and philosophy look upon the desire for such items and upon these foodstuffs? Is there anything wrong with serving Baco Bits at a bar mitzvah? Should one try to contain his desire for fake shrimp? Should kashrut agencies ideally avoid certifying such products? Should rabbis and teachers discourage consumption of these items? Rav Moshe Feinstein, in an unrelated discussion (*Iggerot Moshe, Yoreh De'ah* 2:41), observed that something that is permitted might nonetheless be *m'chu'ar* – reprehensible.³ There is some, albeit little, direct discussion of these matters in contemporary literature and these sources will be cited along with classical literature, from which relevant inferences will be drawn.

Halachically prohibited foods can be grouped into two distinct classes. Some items are categorically forbidden, and no manner of alterations can render them permissible for consumption. Other items are prohibited because of the time or manner in which they are produced or consumed. Examples of the first category are the non-kosher animals and animal parts that are prohibited by the Torah. There is no way to modify or slaughter a pig to make it permissible. Neither *cheilev* (prohibited fats) nor blood can be altered to make them allowable. The taste of pork, *cheilev*, or blood is clearly distinct from permitted tastes.

On the other hand, bread is permissible before Pesach but prohibited on Pesach, and grain products that are normally permitted become prohibited if planted intermingled (*kilayim*) with other produce. *Terumah* (priestly tithe) separated from a pile of produce is indistinguishable from the rest of the pile,

3. I thank Rabbi Yaakov Luban for pointing out this source.

yet it is prohibited while the remainder becomes permitted. The taste of cake made from *kilayim* is no different from that of permitted cake, the taste of *terumah* grapes is identical to that of the permitted grapes, and bread on Pesach tastes the same as bread before and after Pesach. Thus, seemingly there can be nothing wrong in desiring the taste of the items in this category, and of enjoying them in the permissible time or manner. But what about the taste of the forbidden items in the first category which are, from the perspective of dry halacha, permitted?

For everything prohibited, a permitted counterpart

The Talmud (*Chullin* 109b)⁴ records an interesting observation by Yalta, wife of Rav Nachman. She noted that every item that God prohibited has a permitted counterpart. For example, He prohibited blood, but He permitted liver [which is considered to be made of blood], He prohibited the *cheilev* of domesticated animals (*b'haimah*) but permitted it in non-domesticated animals (*chayah*), He prohibited the flesh of swine, but permitted the brain of the *shibuta*⁵ (a fish whose brain tastes like pork). Based on this categorical observation, she requested, nay demanded, that she be enabled to sample the taste of meat cooked with milk. In response, her husband ordered up some broiled udder.

This statement and anecdote not only identify methods to experience the forbidden, but also imply its acceptability. Furthermore, it is clear that the listed items were not avoided.

4. Parallel versions of this important statement exist in various other *midrashim*, most dated later than the Talmud. For example: *Vayikra Rabbah* (Vilna), *parsha* 22; *Tanchuma* (Warsaw) *Shmini*, 8; *Yalkut Shimoni*, *Shmini* 536; *Yalkut Shimoni*, *Tehillim*, 888. *Tosafot* (*Chullin* 109b, s.v. *niddah*) cite an alternate version recorded in a *parshat Parah* *piyut* of Rav Eliezar Hakalir.

5. Various suggestions have been offered for the identity of the *shibuta* including sturgeon, mackerel, codfish, and mullet.

The *shibuta* was widely eaten in Bavel (Iraq).⁶ When illustrating the hands-on involvement of *Amoraim* with preparations for Shabbat, the Talmud (*Shabbat* 119a; *Kiddushin* 41a) records that Rava would personally salt the *shibuta* for the festive meal.

On the other hand, it may be that Yalta was making a non-judgmental statement and grouping all possibilities into one observation. She included in her list the prohibition of a brother's wife, but observed that it is permitted as a levirate marriage (*yibbum*). Permitted? It is more than that – it is a positive commandment. Yet no one would suggest that it is a mitzvah to eat udder or *shibuta*. Further, Yalta noted that “it is forbidden for us [to marry] a non-Jew, but a “beautiful captive (*y'fat to'ar*)” is permitted. Yet, not only is there no requirement to seek out a *y'fat to'ar*, most of the rabbis frowned upon the practice.⁷ Thus, from Yalta's statement one cannot discern whether the talmudic sages thought that one should seek out forbidden tastes, frowned upon it, or merely non-judgmentally noted the possibility.⁸

It may also be possible to distinguish between Yalta's comments, in which she searched for God's permitted substitutes, and the active desire to imitate and create non-kosher taste.

6. The Rosh (*Shu"t HaRosh*, *klal* 2, *siman* 16) states that the *shibuta* was eaten in France as well.

7. See Rashi to Deut. 21:11 citing *Kiddushin* 21b. See also *Sanhedrin* 107a, that the biblical presentation of *y'fat to'ar* is immediately followed in the Torah by the laws of *ben sorer u'moreh* (a rebellious son), to caution that one who marries the former will beget the latter.

8. One could argue that Yalta was expressing an alternative view that *y'fat to'ar* need not be avoided. Her statement then supports the view that prohibited tastes do not carry negative connotations. An indication that at least the food items do not have a negative connotation is the fact that Yalta requested it, and Rav Nachman obliged her.

Learning from the “*mon*”

Another clue to the rabbinic attitude towards non-kosher taste may be gleaned from their treatment of the episode of the manna (*mon*) that God provided for the Israelites during their 40 years of wandering in the desert. The traditional belief is that the taste of the manna was miraculously in compliance with the desires of the eater.⁹ A two-part question is raised: If one desired the manna to taste like an intrinsically non-kosher item, did it comply? And if the answer is in the affirmative, did the person then violate the law prohibiting consumption of that substance?¹⁰ There are three possibilities: *Mon* could not assume the taste of non-kosher products; it could and it was not an halachic issue; or it could and the person eating it would violate a prohibition.

The *Chiddushei HaRim* (*Sefer ha-Z'chut*, Bnei Brak, 5747, *Baha'alotcha*, p.44) asserts that manna in the desert could not assume the flavor of forbidden foods. The Chida (*Pesach Einayim*, *Chullin* 109b, s.v. *ba'inyan*) disagrees, and holds that indeed the *mon* would taste like the desired non-kosher item.¹¹

The Chida cites the statement by Yalta (*Chullin* 109b) that, for example, the taste of pig can be experienced by eating the brain of the *shibuta* fish. There is thus nothing wrong with desiring that taste which is common to the pig and the *shibuta*, and the manna could taste like *shibuta*, which, *inter alia*, tastes

9. See for example *Sh'mot Rabbah*, *B'shalach*, parsha 25.

10. This question may be a nonstarter because the Talmud states (*Sanhedrin* 59b) that “*ein davar tamei yored min hashamayim*” nothing non-kosher comes from heaven, even if it is in the shape of a donkey.

11. The Ragochever Gaon, Rav Yosef Rozen (*Tzafnat Panaiach*, 5739, #3) addresses the issue in response to a question whether it was permitted to taste forbidden flavor in the *mon*, implying that he felt that the *mon* could have such tastes.

like pig. In other words, according to the Chida, if the food is permissible, the taste is of no relevance. *Mon* was a permitted food and hence could taste like anything without violating any law (almost like tofu).¹²

Support for the *Chiddushei HaRim* can be found in the talmudic debate about what the *mon* could NOT taste like. There were indeed limitations on its possibilities. The Talmud (*Yoma* 75a)¹³ expounds on the meaning of Numbers 11:5 wherein the Israelites demanded five food items they fondly recalled from Egypt. Why did they make this demand if they had the infinitely versatile *mon*? One opinion is that *mon* tasted like everything except the five items enumerated in the verse.¹⁴ The other opinion is that not only could the *mon* assume any taste, but in all instances save the five items listed in the verse it also acquired the substance of the item, while for those five items it only had the taste.

Yet this discussion is clearly not complete. Numbers 11:4 records that in addition to those five items, the Israelites also demanded meat. If the *mon* could assume any taste other than the five listed items, why the demand for meat?¹⁵ *Tosefet Beracha* (by R. Baruch Halevi Epstein) suggests the following: In Exodus 16:31 the taste of *mon* is compared to honey. In Numbers 4:7 it

12. The Chida does quote the Gemara (note 10) that if indeed there is a prohibition, God would not permit a Divine act to be the cause of a violation.

13. For a parallel passage see *Sifri*, *Bamidbar*, 87.

14. According to Rashi (*Yoma* 75a, s.v. *halalu*), based on *Sifri*, these five items are bad for pregnant and nursing women and for the fetus. According to *Midrash Lekach Tov*, they are bad for one's learning. The *Yedei Moshe* commentary on *Midrash Rabbah* (*Sh'mot Rabbah*, *B'shalach*, parsha 25) says that in general the taste of *mon* was limited due to health issues.

15. The *Ba'al Haturim* (Numbers 11:4) explains that the demand was not related to a “problem” with the *mon* or to the current situation. Rather, they assumed that they would soon be crossing the Jordan River into Israel and would be unable to take their large quantity of livestock with them.

is compared to oil. The Talmud (*Avodah Zara* 39b) notes that meat cooked in oil and honey is unhealthy. Hence *mon* could not taste like meat.¹⁶ There is thus an opinion that there were other tastes that the *mon* could not assume. Once these exemptions are recognized, it is plausible that there were additional restrictions on the *mon*'s versatility, including the exclusion of prohibited taste.¹⁷

Support for the position that the *mon* could assume the taste of a non-kosher product and that consuming it would then violate a prohibition can be found in a most amazing *Midrash Talpiot* (*Anaf Yayin*).¹⁸ The *midrash* asserts that Nadav and Avihu, the sons of Aharon, were punished for entering the sanctuary while drunk, and that their "drunkenness" was a result of imbibing from the miraculous well water¹⁹ and willing it to taste like wine. If water modified to wine by thought alone causes halachic drunkenness, so, too, *mon* with the taste of pork should cause culpability.

A similar discussion occurs regarding whether a person who wills *mon* to taste like matzah could thereby fulfill his

16. Note that the *Mechilta* (*Yitro*, s.v. "vayichad yitro") specifically says that it could taste like bread, meat, fish, grasshoppers, and all other good things.

17. An alternative explanation for the meat demand is offered by the *Chiddushei HaRim*. According to Rav Yehuda, non-sacrificial meat was prohibited in the desert and thus could not be tasted in the *mon*. Sacrificial meat could also not be tasted because without the proper sprinkling of the blood it, too, is prohibited. However, *Karnei Re'em*, (by Rav Aryeh Mordechai Rabinowitz, 5755) p. 45, cites a *midrash* that states explicitly that the *mon* could taste like meat.

18. This is cited by the *Pardes Yosef HaChadash al HaTorah, Baha'alotecha*, 204. I thank Prof. Ya'akov Spiegel for pointing it out to me. To my chagrin, I have checked several editions of the *Midrash Talpiot*, and they all appear the same, but I have been unable to locate this statement.

19. Cf *Mechilta* (*Yitro*, *ibid.*) that the well water could taste like old wine, new wine, milk, honey, and all other sweet drinks.

obligation.²⁰ The Ritvah seems to imply that one cannot (*Kiddushin* 37b). However, *Igrah d'kallah* (R. Tzvi Elimelech Shapiro of Munkatsch and Dinov; on *Shlach*) asserts that in his opinion one can indeed thereby fulfill his obligation to eat matzah and even recite the appropriate *beracha*. The implications of this debate relate to tasting *issur*. The general rule is that one can fulfill the requirement to eat matzah only with something that could, under other circumstances, lead one to violate the prohibition of eating *chametz* on Pesach. It is thus clear that *Igrah D'Kallah* is of the opinion, like the Chida, that *mon* could assume the taste of prohibited *chametz* on Pesach, and that its consumption might even be culpable.²¹

From the analysis of *mon*, several conclusions can be reached. According to the Chida it would seem that there is no issue with Baco Bits – just as there is no problem with *shibuta* or the *mon* tasting like pork. The *Chiddushei HaRim* may have more of a problem. Or it may be that he held that Divine *mon* was limited, but that there is no problem with human-engineered Baco Bits.

Craving non-kosher taste

Rabbinic sources actually do discuss the acceptability of craving non-kosher taste (and other forbidden acts). Rashi (on Lev. 20:26) quotes R. Elazar ben Azaryah (*Sifra, Kedoshim*) who

20. *Mishkenot HaRo'im* (R. Yechiel Michal Hibner, Lemberg, 1865, p. 49a) rejects this discussion out of hand. He says that it is patently obvious to everyone that there can be no prohibition of *chametz* with *mon*, and likewise the mitzvah of matzah cannot be fulfilled with *mon*. For further discussion on this point and on fulfilling the mitzvah of matzah with *mon*, see R. Avraham Yisrael Rozental, *K'motzei Shlal Rav, Shemot*, pages 210-212 who also cites Rav Tzvi Pesach Frank, *Mikraei Kodesh*, Pesach 2:12.

21. One could of course counter argue that *chametz* is not a substance that is prohibited by its very nature. It is indeed permitted for the majority of the year. Thus, it is plausible that *mon* could taste like *chametz* all year, and on

maintains that one should not say "I do not desire pork," rather a person should assert that he abstains because his Father in Heaven has prohibited it to him.²² The Rambam (*Introduction to Avot* ["*Shmonah Perakim*"], chapter 6) approvingly cites this in the name of Rabban Shimon ben Gamliel as: "A person should not state 'I do not desire meat and milk [together], I do not desire to wear *shatnez*, I do not desire to lie with an *ervah*; rather I do desire, but what can I do? My Father in Heaven has decreed upon me [that they are forbidden]'" Clearly, according to the Rambam and this *Sifra*, desire for food,²³ clothing, and sexual gratification are not inherently bad, and in and of themselves need not be repressed as desires. Rather it is their actualization that needs to be contained. It seems that indeed it is preferable to have these desires and subjugate them to God's will rather than not to have them at all.

The *Shla*,²⁴ in the name of his father, links this *Sifra* to the above-cited statement of Yalta. He wonders why a distinguished woman like Yalta would discuss apparently trivial matters with her illustrious husband, and why the Talmud saw fit to record the entire statement of Yalta when only Rav Nachman's response was relevant to the ongoing discussion. His father had explained that this Gemara is in accord with the principle stated by Rabban Shimon ben Gamliel in the *Sifra*: abstinence from an experience should be motivated by adherence to a divine prohibition and not as an expression of personal preference. And that was Yalta's concern. How can we know what we are missing if we have

Passover such *mon* would be prohibited. Thus, it might not prove that *mon* could taste like pork or some other inherently prohibited item.

22. See the Malbim, that a person who conquers such desires is better than a *tzadik* who lacks these desires. However, that may not mean that one should *cultivate* such desires. He may be discussing existing personalities rather than a desired persona.

23. See *Oznayim LaTorah*, Deut. 6:11 (s.v. *u'batim*) that the Torah actually refers to *chazir* as "*kol tov*" because people desire it.

never experienced it? Therefore, corresponding to all that is prohibited, God provides a comparable pleasure which is permitted so that we may thereby know what we are missing. Yalta wanted to know what she was missing by observing the prohibition of meat and milk. By knowing what pleasure she was barred from, she could have a genuine desire for the prohibited pleasure that she would then refrain from fulfilling solely because of God's command.²⁵

The *Shla* refers to his father's explanation as "exceedingly sweet," and subscribes to the belief that such is the proper worship of God. It would thus seem that ideally a person should experience the full range of different types of pleasures in order to appreciate the Torah's restrictions. The prohibitions themselves do not interfere with this because, as Yalta explained, there is always something similar that is permitted.

Abstaining from Pleasure

The Talmud *Yerushalmi* concludes its commentary on *Kiddushin* (4:12) with an enlightening statement. We are told:

Rabbi Chizkiya said in the name of Rabbi Kohen who said in the name of Rav: In the future man will have to provide a reckoning on all that he saw but of which he did not partake. Rabbi Lazar took this opinion into account and would save up his pennies and eat each food type at least once a year.

The *Korban Ha'edah* relates the sin to needless asceticism. Both

24. In one of his introductions, *Be-Asarah Ma'amarot*, 1959 edition p. 67. I am indebted to Rav Daniel Eidensohn for pointing out this source.

25. The statement of Yalta begs to be explained, and the explanation of the *Shla* is one possibility. Rav Dessler offers a totally different view (*Michtav Mi'Eliyahu*, 5725, vol. 1, p. 263). He suggests that if there were no permissible counterparts for the forbidden items, a person's curiosity and passions might

Korban Ha'edah and *Pnei Moshe* explain Rabbi Lazar's point in actively seeking these items as a means of praising God for all the variety in His creation. Rav's declaration did not remain in the realm of *aggadeta*; Rav Ganzfried saw fit to include it in his *Kitzur Shulchan Aruch*, 59:19 where he quotes it in its entirety.²⁶

On the other hand, how does Judaism view the abstinence from common permitted pleasures, i.e. how is asceticism perceived? Numbers 6:2-8 defines a *nazir* as one who refrains from ingesting wine and grape products, cutting his hair, and becoming impure via contact with a corpse. With respect to the *nazir* and asceticism in general the Rambam (*Hilchot De'ot* 3:1-4) offers the following:

Perhaps a person will say that because lust, desire for honor, and such traits are a bad path ... I will absolutely abstain from them and go to the other extreme, to the extent of not eating meat, not drinking wine, not getting married; I will not live in a nice house, and I won't wear nice clothing ... like the priests of Christianity. This too is a terrible approach to life, and it is forbidden to conduct oneself this way. A person who follows such an approach is called a sinner.²⁷ We see concerning the *nazir* that he requires atonement (Numbers 6:1) and the

be too strong and lead him to violate the prohibition. God therefore provided, and the rabbis revealed, the permitted substitutes to assist a person in fighting his temptations.

26. The *Yerushalmi* seems to be a general statement, and that is how the *Kitzur Shulchan Aruch* understood it. However, others understood it to be specifically referring to seasonal vegetables. For example the *Mishnah Berurah* (228:19) quotes "*acharonim*" who learn from the *Yerushalmi* that one should eat each fruit annually in order to show that God's creations are cherished by him. When the *Aruch Hashulchan* (OC 225:1) cites it, he actually has the original saying that Rabbi Lazar bought each new fruit yearly. He then rules (OC 225:5) that it is a mitzvah annually to taste each type of fruit to thereby

sages stated that if a *nazir* who only abstained from wine requires atonement, one who withholds from himself everything, how much more so [will he require atonement]. Therefore, the sages have commanded that one should not abstain except from those things that the Torah has forbidden ... Thus the sages say, "Is it not enough what the Torah has prohibited, [why do] you want to prohibit other things?" ... Concerning these matters and the like, King Solomon commanded and stated: "Do not be too much of a *tzadik* and think you know better, for why should you destroy yourself" (*Kohelet* 7:61)?²⁸

Others view a *nazir* and asceticism in a more positive light. Extrapolating from the case of the *nazir*, the Talmud (*Ta'anit* 11a-b) probes the merits of fasting. Shmuel, whose opinion the Rambam adopts, labels someone who fasts a sinner. Rabbi Elazar calls him *kadosh* (holy) if he can tolerate it well, otherwise he calls him a sinner.²⁹ To Resh Lakish such a person is a *chasid* (pious). The *Shulchan Aruch* (*Orach Chaim* 571:1) rules like Rabbi Elazar: for one who can tolerate it, fasting is meritorious, but if it causes weakness, it is sinful. The Ra'avad instituted what is commonly known as *Ta'anit haRa'avad* – the Ra'avad's fast – in

28. The Rambam also discusses this point in *Shmonah Perakim*, chapter 4. See too the Netziv (Numbers 6:2) that only one in very unusual circumstances with no other recourse should become a *nazir*. By denying himself legitimate pleasure, the *nazir* is not doing God's will.

29. See the various discussions if the self deprivation of a *nazir* is good or not. See *Nazir* 3a, 19a, *Nedarim* 9b, 10a, and commentaries there. See especially *Nazir* 19a that implies that even *tahor nazirs*, are sinners (as opposed to *Nazir* 3a that implies that only *tamei* ones are sinners). See also *Kli Yakar* to Numbers 6:11, and *Pri Tzaddik* (Rav Tzadok Hakohen) to *Naso*:14. It is generally agreed that asceticism outside the framework of a *nazir* is a sin. See *Shu"t haRashba* (4:262) who ruled that one should not fast excessively because it makes it difficult to study Torah properly. See also *Nodah B'Yehudah*, *Kammah*, OC:35 and *Birkei Yosef* OC 585:8 that one should rather do good deeds in place of fasting.

which one contains his appetite and demonstrates self-restraint by leaving over a portion of a tasty dish (See *Magen Avraham OC 571:2*).

The Talmud (*Ketuvot 104a*) states that on his deathbed, the fabulously wealthy Rebbi declared that he had not benefited from this world. Tosafot (s.v. *Lo*) explain that this statement was based on the dictum that a person should pray that pleasures not enter his body.

Additional Considerations

The attitude towards such foods may also depend on how one views the prohibition of *chukat ha'akum* (Gentile customs). The strictest interpretation prohibits the imitation of any non-Jewish practice.³⁰ However, to violate this may require the ingestion of real pork, not ersatz bacon. On the other hand, if the action is driven specifically by a desire to mimic the Gentile experience, it may be an issue of violating *chukat ha'akum*.

Various rationales are offered for the Torah's insistence on a dietary code. There are reasons suggested for individual prohibitions and there are rationales suggested for the whole package. Health reasons are sometimes suggested, but they relate to the substance of the food. That the taste of prohibited foods has a deleterious effect is not one of the reasons suggested. However, another reason suggested is the separation it causes between Jews and non-Jews. The ability to break that barrier with these foods may be another strike against them.

A final point relates to the quality of excess. While it may be meritorious to have certain desires, and permitted to fulfill them within certain guidelines, one must be mindful of the

30. On this topic, see R. Zvi Teichman, "The Jew in a Gentile Society: Chukat Ha'Akum," *Journal of Halacha and Contemporary Society*, Fall 1981, 2:64-85.

concept made famous by the Ramban (Lev. 19:2) that one should not overindulge, even in permitted items. One should not be a *naval b'reshut haTorah* – a repugnant character using items technically permitted by the Torah. He explains that one becomes holy by limiting consumption even of permitted wines and foods.

Does consuming imitation items fall into that category? The Ramban stresses the importance of self-control, suggesting that it does. On the other hand, it may be a matter of quantity, of limiting amount, not selection. Overindulging in permitted types of meats and wine, as Rav Moshe Feinstein notes regarding a *ben sorer u'moreh*, is wrong. But perhaps sampling a variety of interesting foods, including those with "non-kosher-taste," is acceptable if it is done in moderation.

Contemporary opinions and *marit ayin*

Some of the contemporary discussion seems to relate to an ancillary point, that of terminology and perception – the perception or misperceptions that can arise from those foods or their names. For example, Detroit author and educator Rabbi Hayim Halevy Donin (*To Be a Jew*, 1972, 1991, p. 105) wrote:

Vegetable products or condiments processed in such a way as to provide an artificial flavor or appearance similar to a prohibited food have been known to appear on the market. Though these foods are kosher, the use of such terms as "kosher bacon" or "kosher shrimp" is objectionable to this writer. The terms are contradictory since nothing can be done to make true bacon or shrimp kosher. Its use is deceptive and misleading and should be avoided.

Rabbi Donin's objection seems to be purely one of terminology and perception.

It is reported³¹ that some time around 1968-69, Rav Moshe Feinstein stated: "*Mentchen fregen mir vegen di naye essens, tzu zai zainen kosher tzu nit. Ich entfere zai az di essens zainen kosher, ober der hechsher iz nit [tzu vos darf a yid di alle essens]?*" "People ask me, regarding the new foods, whether they are kosher or not. I answer them that the foods are kosher but the *hechsher* (rabbinic approval) is not [why does a Jew need all of these foods?]." In other words, Rav Moshe acknowledged that these foods were kosher but was not in favor of them. Again, it may have more to do with *marit ayin* than with anything else. But it seems that Rav Moshe objected to more than just appearances and was uncomfortable with the desire for these items as well.³²

In a recent *Jewish Observer* article,³³ Rabbi Matisyahu Salomon, *mashgiach ruchani* of Beth Medrash Govoha of Lakewood, NJ, is quoted as saying this even more explicitly:

Think of this. Every single new food that is developed for the market immediately sparks a competition for who gets to give the *hechsher* and who gets to package and distribute it for the kosher market. Has it ever occurred to anyone that there is no mitzvah to experience every possible taste and texture? That on the contrary,

31. Reported to this author in the fall of 2003 by R. Aaron Lopiansky, Rosh Kollel in Silver Spring, Maryland.

32. In *Iggerot Moshe, Yoreh De'ah* 3:35 in his discussion of why marijuana is prohibited, he points out that the Torah criticizes a *ben sorer u'moreh* for his excess desires and overindulgence in permitted pleasures. In *Iggerot Moshe, YD*:3:71 (p. 320) he criticizes "*minhag America*" to try to experience every "good time." Rather, Rav Moshe says, the proper way is to know how to limit one's desires to that which is required, and we should know that even though God has blessed us with a land of plenty that does not mean that God desires us to strive to acquire all manner of pleasure. So, too, in his discussion (*Iggerot Moshe, CM* 2:76) regarding smoking, he notes that even ignoring the health issue, it would be prohibited to get addicted to smoking because it is wrong to increase one's desires and pleasures.

33. "A Separation Between Light & Darkness," *Tevet* 5764, 37(2):6-9.

there is a mitzvah of *kedoshim tihyu*, of keeping our pleasurable indulgences under control?

A *dayan* in England asked me about a certain new food made from ingredients that simulate exactly the taste of pork; that's how it's advertised in the mainstream press. Someone in the community had approached this *dayan* and asked him to give the *hechsher* on this product for the kosher market. He wanted to know if he should do it.

I don't understand. Should a Jewish person go out and buy a product whose advertising point is that it tastes exactly like pork? Is this the point that we've reached? Should we be so intent to share the experiences and pleasures of the Gentiles?³⁴

Rabbi Matisyahu Salomon clearly decries the desire for such products. This attitude of "there is no need for more" is reminiscent of the attitude expressed by the Chazon Ish when he propounded his position that to permit eating new species of animals, even ruminants with split hooves, a tradition is required.³⁵ At the very end he states: "And it is enough for us the cattle and sheep for which we have a tradition,"³⁶ i.e. why the need for additional species?

Several of these opinions seemed to be concerned with image or perception – *marit ayin*. This brings to mind some of the earliest examples of kosher equivalents. For the last several

34. This general theme is emphasized by Rav Salomon in *Matnot Chayim: Kuntres Hamavdil bein Kodesh V'chol*, Lakewood, 5761; this story can be found there on p. 17.

35. For a discussion of this position, see Ari Z. Zivotofsky, "Kashrut of Exotic Animals: The Buffalo", *The Journal of Halacha and Contemporary Society*, Fall 1999/Sukkot 5760, Number XXXVIII.

36. *Hilchot ba'heima v'chaya tahora*:11:letters 4 & 5.

decades there have been non-dairy creamers that are served at meat meals.³⁷ These are reminiscent of “almond milk” discussed in the halacha. It is permitted to drink such “milk” together with meat on the condition that it is obvious that it is not real milk. This can be accomplished by having some almonds nearby.³⁸

Today, permitted mixtures of “meat” and “milk” can be accomplished using non-dairy creamer for the milk or tofu burgers or pareve “chopped liver” for the meat.³⁹ Each of these products can be purchased individually with the most stringent kashrut certifications. Yet several years ago when an Israeli company advertised that their product can be used to produce kosher cheeseburgers, the Beth Din of the Jerusalem *Eida HaCharaidit (Badatz)* demanded the advertisements be stopped.

This concern of *marit ayin* seems to have motivated the opinion of many contemporary authorities. Rav Avigdor Nebenzal,⁴⁰ Rav Shraya Duvlitzki,⁴¹ Rav Shlomo Aviner,⁴² Rav Yaakov Ariel,⁴³ and Rav Meir Mazuz⁴⁴ all suggest that in their opinion

37. One could distinguish between Baco Bits, which mimic a non-kosher item, and dairy creamer, which imitates a kosher item that would merely be prohibited at that moment because of circumstances, similar to the distinction made at the outset of this paper between two categories of forbidden food.

38. See Ramo, *Shulchan Aruch* YD:87:3. The *Shach* (ibid, s.k. 6) rules that such precautions are required even if the perceived prohibition is only rabbinic in nature. A similar discussion exists about drinking permitted fish blood (*Shulchan Aruch* YD 66:9).

39. The kashrut of “soy burgers” and the other items discussed herein has been assumed. It should be noted that there is a definite need for kashrut supervision on these items.

40. Personal letter, 11 *Tammuz*, 5764.

41. Personal letter, 11 *Tammuz*, 5764.

42. Personal letter, 24 *Tammuz*, 5764.

43. Chief rabbi, Ramat Gan. Personal letter, 14 *Av*, 5764.

44. An important Tunisian *posek*. Personal letter, 11 *Tammuz*, 5764. He

it is improper for the name of the prohibited substance to be part of the product name, i.e. “kosher fake shrimp” or “imitation bacon”.

Rabbi Emanuel Holzer,⁴⁵ chairman of the Rabbinic Kashrut Commission of the RCA, reports that when the OU was asked to certify Baco Bits, they indeed deliberated about the issues discussed here. They would have preferred a different name, but had no control over that and General Mills was not interested in changing the name.⁴⁶ And they were concerned about possible misunderstandings and errors that could result, but decided that with proper education that problem was surmountable. Rabbi Herzog recalls that after the OU began certifying the product as kosher, Rabbi Rosenberg received letters critical of the decision and expressing concern that people would become confused.⁴⁷ Again, after deliberation they decided that just as people adjusted to pareve margarine at a *fleishig* meal, so too they can learn that these products are imitations and not the real thing. Rav Ariel similarly made it known that such products are permitted only if consumers are aware that they are imitation.⁴⁸

Conclusion

As we have seen, most of the traditional sources are not averse to either the desire or actualization of the desire to eat Baco Bits. They may even imply that one *should* eat Baco Bits,

pointed out that “*mei raglayim*” may not be brought into the *mikdash* even though one opinion holds that it is the name of a spring. It is the name that makes it inappropriate. Because of this, if the product carries the name, e.g. bacon bits, it should be strongly avoided as a disgusting object.

45. Phone conversation 25 *Tammuz* 5764.

46. The OU decision *may* have been different if it were a Jewish company. However, at one point there was a product called Mendel’s Heimish Shrimp that was under OU supervision.

47. Phone conversation, 26 *Tammuz*, 5764.

and offer a variety of sometimes mutually exclusive reasons: One thereby exhibits an enhanced love for G-d when refraining from the real item; it increases the desire for the true item, thus enhancing the temptation and the concomitant reward for abstinence; upon experiencing the forbidden taste, one's desire for the forbidden item is diminished because it is no longer an unattainable fantasy ("*mayim genuvim*"); to appreciate all of God's wondrous creations.⁴⁹ Yalta's famous statement can be understood as a *carte blanche* endorsement. Indeed Rav Shraya Duvlitzki⁵⁰ explicitly states, based on Yalta, that "there is no hesitation" to eating these foods, and this notion is implicitly endorsed by Rav Chaim Kanievsky.⁵¹

Yet many of the contemporary authorities seem to have expressed a strong aversion to these products.⁵² It may be that they are addressing different realities than the classical sources. The classical sources are talking about the ideal world in which indeed there is no need to be concerned about such desires. Rav Moshe Feinstein, Rav Matisyahu Salomon, and other contemporaries are dealing with current Western society where even among religious Jews the pursuit of all pleasures is far beyond what *chazal* would ever have imagined. Eating Baco Bits is certainly not an egregious pleasure. However, in a society in which the yardstick of an activity is "are we having fun yet" rather than "am I doing something useful or productive", the

48. Personal letter, 14 *Av*, 5764.

49. There may be practical differences between the reasons. According to the last reason, maybe one should eat Baco Bits once or at most once a year, as Rabbi Lazar in the *Yerushalmi* did. According to the first reason, it may be meritorious to eat many of them often.

50. Personal letter, 11 *Tammuz*, 5764.

51. Personal postcard, 17 *Tammuz* 5764.

52. All this is based on the assumption that the person eating it knows that the product is imitation pork and is eating it (at least partially) for that reason. The attitudes expressed here may be different if the person is unaware

drive for all pleasures must be evaluated.⁵³ In a vacuum the response would be that baco bits are not inherently prohibited or wrong. In today's environment, that may no longer be the response.

In the abstract there is nothing wrong with a person "having both worlds", learning and living Torah and also enjoying God's creations. The Mishnah states (*Avot* 6:4) that "the way of Torah is that one will eat bread with salt and drink water by the measure and will sleep on the ground." Rav Chaim Volozhiner (*Ruach Chaim* on *Avot*) comments that indeed if one's focus is on exotic foods he will not succeed in Torah. However, it is not that one is required to subsist with the bare minimum; rather one must be prepared to forego pleasures for the sake of Torah.⁵⁴ But if God nonetheless grants him both worlds, there is nothing wrong with enjoying this world (based on Rava in *Horyot* 10b).

The problem is that even Torah-observant Jews in contemporary Western society are focused on maximizing worldly pleasures. This motivated Rav Yitzchak Zilberstein⁵⁵ to write "that from a purely halachic perspective such foods are of course permitted." But in practice our generation is far below that of the Chida's and he wrote (I assume in hyperbole) that "if the Chida [who held that *mon* could taste like pork]

of that and is eating it simply because he enjoys the taste.

53. This malaise of our society is beautifully explained in a Purim *sicha* delivered by Rav Aharon Lichtenstein in 5750 and available as "Because they partook of the feast of the wicked one" at <http://www.vbm-torah.org/purim/ralpur.htm>. It is an important article for our generation, wherein he explains: "A person who holds the view that every excess and every pleasure is permitted – so long as it doesn't run counter to the laws of kosher foods or the laws of mixing meat and milk – is making a fatal mistake. While taking pains over the tiniest details of the laws of kashrut, one may still completely miss the point of Divine service."

54. Cf. *Shabbat* 83b.

were alive today, a generation so far below what was in his time, he would prohibit such products." Rav Zilberstein's major concern appears to be the potential for error.

Both the *Korban Ha'edah* and the *Pnei Moshe* explained that Rabbi Lazar actively sought to taste every item as a means of praising God for the vast variety in His creation. It is under such circumstances that Baco Bits pose no danger. It is difficult to believe that such is the motive of most people today. If the goal is simply to taste one more item, enjoy one more pleasure, then the contemporary rabbis indeed have a point. The Rambam (*Hilchot Teshuvah* 7:3) included "chasing after food" as a character trait that one needs to modify as part of the overall *teshuvah* process.

The perception that the Torah world is today not willing to live with less is widespread. Rav Aharon Lichtenstein, in the course of explaining and advocating *Torah u-Madda* wrote: "But I fail to understand opponents of *Torah u-Madda* who think it is perfectly legitimate to labor long and engrossing hours in order to eat lamb chops, drive a Volvo, or vacation in St. Moritz, but illicit to devote those hours instead to exploring, with Plato or Goethe, vistas of thought and experience. I do not, of course, equate Plato with lamb chops. I just hope we are not so Philistine as to value him less."⁵⁶

The world was not created bland. God made a world with color, a world with taste, a world with smell, and it is all there for man to use and enjoy. But that is on the condition that priorities are maintained, that the motivation is pure, and that it is remembered Who created it.

55. Personal letter, 11 *Tammuz*, 5764.

56. Rav Aharon Lichtenstein, "Torah and General Culture: Confluence and Conflict," in J.J. Schacter (ed.), *Judaism's Encounter with Other Cultures*, Aronson, 1997, p. 270.

**Journal of
Halacha
and
Contemporary
Society**

Number L

**Published by
Rabbi Jacob Joseph School**

**Journal of
Halacha
and
Contemporary
Society**

Number L
Fall 2005 / Succot 5766

**Published by
Rabbi Jacob Joseph School**

**Edited by
Rabbi Alfred S. Cohen**

EDITORIAL COMMITTEE

Rabbi Yaakov Feitman
Rabbi Israel Poleyeff
Rabbi Bernard Weinberger