

Veal: The Other White Meat?

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Since the beginning of the animal rights movement, much attention has been focused on the way calves are raised. By and large, the concerns raised by animal rights activists have not deterred the American public, including the kosher consumer, from eating veal (calf meat). Even so, the attention brought to the way calves are raised brings to light some serious halachic issues. This article will examine the relevant halachic issues, including a recent revelation regarding what calves are fed, which calls the kashrut of veal into question.

The activities of the veal industry have for some time been the object of intense scrutiny and criticism. Animal rights activists accuse the veal industry of barbaric practices in which calves are subjected to horrendous conditions and consequently suffer from malnutrition. These activists maintain that as a result of this mistreatment, calves are unusually infirm and are afflicted with many serious ailments.¹ The veal industry vehemently denies these charges.²

However, Rabbi Moshe Feinstein took these charges

1. Amy Blount Anchor, *Animal Rights: A Beginner's Guide*, Yellow Springs, Ohio, 1996, pg. 86.

2. American Veal Association, *The American Veal Industry: Facts About the Care and Feeding of Calves* at www.vealfarm.com.

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seriously. In a responsum (*teshuva*) written in 1982, Rav Moshe addresses the issue of *tza'ar ba'alei chaim* in the treatment of calves and concludes that although one would be forbidden to raise veal using current methods, nevertheless the violation of *tza'ar ba'alei chaim* does not render veal non-kosher.³

However, the infirmity of the veal calves is a more serious problem. Rav Moshe Feinstein cautioned that the unusually high ratio of *treifot* in slaughtered calves, presumably the result of the poor conditions in which they are raised, precludes the consumption of veal unless the entire intestinal tract (*b'nei mei'ayim*) is scrupulously checked to ensure that there are no *treifot*. Even if this difficult procedure is undertaken, Rav Moshe recommended that a *ba'al nefesh* (a person who is scrupulous in religious observance) refrain from the consumption of veal due to the concern for *treifot*.⁴

Despite Rav Moshe's position, common practice in the Orthodox community is that veal is consumed, even by *ba'alei nefesh*, although all the innards are not checked for *treifot* as per Rav Moshe's specifications. The justification for this practice is that research done by kashrut organizations subsequent to the writing of the *teshuva* has shown that, although there is an extraordinarily high percentage of *treifot* in the lungs of calves, there is no higher incidence of *treifot* in the *b'nei mei'ayim* of calves than in mature cows.⁵ Therefore, even Jews who abide by the most exacting standards of halacha consume veal, relying on the fact that the lungs were adequately examined and no *treifot* were found in the veal sold as kosher.

3. *Iggerot Moshe, Even HaEzer IV*, no.92.

4. *Ibid.*

5. Rabbi Aaron Teitelbaum, the Nirbater Rav, posits that although these were the facts presented to Rav Moshe in 1982, in 2002 there is no higher incidence of *treifot* in *bnei mei'ayim* of veal than in other animals.

Recently, however, another issue has come to light that should give the kosher consumer pause before indulging in veal. Calves are not fed milk but are nourished instead with a uniform diet consisting of a specially-derived formula intended to produce the whitish color, taste, and texture prized in veal. These calves do not eat any grains and their sole sustenance comes from the formula.⁶ As Kashrut organizations have recently learned, although the composition of the feed varies between companies, the formula typically contains 15-22% fat, which can consist of lard, tallow (beef fat), or a combination of both, and coconut oil. The fat is cooked with various milk products as well as vegetable protein, vitamins and minerals to make the formula.⁷

In effect then, calves are raised on a non-kosher formula. The focus of the present study will be to explore possible halachic issues arising from this practice.

The Gemara in *Avoda Zara* (49a) writes that an animal fattened (*behaima she'nitpatma*) with foods that were worshipped as *avoda zara*, is forbidden to be eaten. The Ramo (*Yoreh De'ah* 60:1) expands this halacha and forbids eating animals that were fattened for their entire lives with prohibited food. However, if the animal was fattened by both kosher and non-kosher food, the Ramo permits its consumption. Calves subsist entirely on formula; they eat no supplemental food. This poses a problem for the kashrut of formula-fed veal, for lard is derived from a non-kosher animal and the tallow found in the formula is derived from cattle that were not slaughtered in a manner approved by halacha. Moreover, the combination of the milk and the tallow renders the formula *basar b'chalah*, which is not

6. See Cozzi, et al., "The provision of solid feeds to veal calves: Growth performance, forestomach development, and carcass and meat quality," *Journal of Animal Science*, February 2002, pages 357-366.

7. U.S. Patent no. 6,348,222 (issued February 19, 2002).

only prohibited to consume (*assur b'achila*), but also prohibited from benefit (*assur b'hana'ah*).⁸

This would seem to indicate that veal raised exclusively on formula (which is the case for all calves slaughtered in kosher abattoirs in America) may not be eaten, since the animals were nurtured only by non-kosher feed.

Nevertheless, there are three possible reasons for leniency. The first involves the scope of the *issur* of *behaima she'nitpatma*, an animal fattened from prohibited foods. As we shall see, perhaps not all foods are included in this prohibition. Second, there is room to be lenient because of the principle *zeh v'zeh gorem*. As we will explain later, when there are two distinct factors, one permitted and the other forbidden, that contribute to produce a single result, that result is permitted. Since the formula fed to calves contains some kosher ingredients in addition to the non-kosher ones, it may therefore be permitted. Last, there are grounds for leniency based on the principle of *issur she'nishtane*, a prohibited food item that becomes permitted after undergoing a change.

The Parameters of *Behaima She'nitpatma*⁹

The most common argument presented by *poskim* to be lenient with *behaima she'nitpatma* is to limit the scope of the prohibition. The *Shach* (Y.D. 60:5) notes that the Ramo's *p'sak* is a significant extension of the principle outlined in *Masechet*

8. Lard cooked with milk does not create *basar B'chalav*; see Y.D. 87:3.

9. It is worth analyzing whether *beheima she'nitpatma* is a biblical or rabbinic prohibition. See *Teshuvot Har Tzvi, Yoreh De'ah*, no.53, who raises this question. A number of authorities clearly assume that it is a rabbinic prohibition. See *Chadrei De'ah, Yoreh De'ah*, 60. See also *Darchei Teshuva*, 60:15.

Avoda Zara. The Gemara forbids only an animal whose diet consists exclusively of *avoda zara*. The Ramo expands this and forbids animals that were fattened by any type of non-kosher food, based on a text in *Temura* (31a). The Gemara there cites the opinion of Rabbi Chanina ben Antigonus that a kosher animal that nursed from a non-kosher animal is invalidated from sacrifice on the *mizbe'ach* (temple altar). In the Gemara's case the animal nursed every morning from a non-kosher animal. Presumably, however, the animal consumed kosher foods at other times. Even so, the Gemara prohibits offering the animal on the *mizbe'ach*. Tosafot (ad loc, s.v. *sheyonka*) are uncertain (*l'fum rihata mashma*) whether such an animal is disqualified only from sacrifice on the *mizbe'ach*, or if it is also ineligible for human consumption. In extending the prohibition to an animal primarily fed any type of prohibited food, the Ramo raises the doubt of Tosafot to the level of certainty, and prohibits the consumption of that animal.¹⁰

Moreover, the *Shach* notes that Tosafot introduced their doubt as to whether Rabbi Chanina ben Antigonus' halacha applies to human consumption, by giving the example of an animal that ate *avoda zara* grains.¹¹ The *Shach* interprets Tosafot to mean that only with *avoda zara* and other *issurei hana'ah* (food whose benefit is also proscribed) is there the possibility

10. See the Ramo's comments in *Darchei Moshe, Yoreh De'ah*, 60:1, and in *Torat Chatat* 65:10. The *Shach* (60:5), however, clearly writes that Tosafot were in doubt. See also *Piskei Tosafot, Temura* no.20, who rules that the animal is kosher for human consumption.

11. This is only one of three answers given by the *Shach* to understand why the Ramo would cite Tosafot as normative in light of the fact that the Mordechai (*Yevamot*, no. 66) and the *Issur V'heter* (47:9) are both lenient. This reason is accepted by later *Acharonim* as the position of *Shach*. See *P'ri Megadim* (60:5), *Pri Chadash* (60:5), *Minchat Ya'akov* (65:17) and *Zer Zahav* (47:4). *Chochmat Adam* (26:14) writes that the halacha follows the *Shach*, not Ramo.

that regular feeding would render the animal non-kosher.¹² The halacha posited by Rabbi Chanina ben Antigonus was never understood to prohibit the consumption of an animal that ingested ordinary *issurei achila*. According to the *Shach*, Rabbi Chanina ben Antigonus would not allow an animal that regularly ingested *issurei achila* to be sacrificed on the *mizbeach*, but he would not forbid human consumption of the animal.

12. Rabbi Hershel Schachter (*B'Ikvei haTzon*, no. 27, note 9), explains that the reasoning of the *Shach* is based on the Gemara, (*Pesachim* 26a). The Gemara there develops the concept of *yeish sh'vach eitzim b'pat*, when bread is baked with firewood that is *assur*, the bread itself becomes forbidden. Tosafot (ad loc *s.v. chadash*), write that this concept applies only to *issurei hana'ah* and not to *issurei achila*. Rabbi Schachter explains that by eating the bread baked with *issurei hana'ah* one is indirectly benefiting from the prohibited firewood. (See Rabbi Yehuda Assoud, *Yehuda Ya'aleh, Orach Chaim*, no.127, for a similar analysis, although his conclusion differs from Rabbi Schachter's.) Although the benefit is somewhat indirect, as long as it is not completely indirect, one is considered to be benefiting from *issurei hana'ah*. Similarly, if an animal ingests *issurei hana'ah*, one who eats this animal is benefiting from *issurei hana'ah*, albeit indirectly. It must be noted that this is a "normal" form of indirect benefit which would not be permitted because of the principle of *shelo k'derech hana'ato*.

We must note that even if one is stringent and prohibits eating veal out of concern for *behaima she'nitpatma* there is still room to be lenient on food cooked in a utensil that was used to cook veal within the last twenty-four hours. A utensil used to cook non-kosher food absorbs some of the taste of the non-kosher food and imparts this taste to the next food cooked in the utensil. That second food is normally prohibited, based on the principle of *ta'am k'ikar*, taste infused into a food is prohibited as much as its origin. However, Rabbi Schachter (*B'Ikvei haTzon*, no. 26), writes that *ta'am k'ikar* applies only to items which are intrinsically prohibited (*issurei cheftza*). Items that are not intrinsically prohibited (*issurei gavra*), are not subject to the principle of *ta'am k'ikar*. In the case of the veal, it would seem that the prohibition to eat veal is not intrinsic. Rather, one who eats veal is in violation of benefiting from the *issurei hana'ah* originally eaten by the calf.

The *Shach's* leniency will probably not help us in the case of calves that fed upon *basar b'chalav*, a forbidden mixture of meat and milk. Ordinarily, *basar b'chalav* falls into the category of *issurei hana'ah*.¹³ Even so, there may be grounds for leniency. Rabbi Yehezkel Landau, the *Noda B'Yehuda*, in his commentary *Dagul Merivava* to *Shulchan Aruch*, cites the commentary of the Rambam to the Mishnah in *Keritut* (3:4). The Rambam posits what he terms a *nekuda nifla'ah*, an amazing point. The Rambam suggests that *b'sar neveila*, meat that did not undergo the necessary ritual slaughter, when cooked with milk, is not *assur b'hana'ah*. According to the Rambam, although ordinarily a more inclusive prohibition can be compounded upon a less inclusive prohibition, the prohibition of *basar b'chalav* is not compounded upon the *issur* of *neveila*. Therefore, this mixture is treated as ordinary *issurei achila* and does not have the *issurei hana'ah* status of *basar b'chalav*. In the case of the formula fed to calves, the tallow that is cooked together with whey comes from non-kosher animals. Therefore, the *Shach's* leniency can still be employed.

However, it must be noted that both the *Dagul Merivava* and the *Shach* are not universally accepted. Halachic authorities¹⁴ have been reluctant to rely upon this leniency for various reasons. First, there are numerous *Rishonim*¹⁵ who do not subscribe to the proposition that a meat-and-milk mixture, where the meat is derived from a non-kosher source, may be benefited from. Second, the *P'ri Megadim* (Introduction to the Laws of *Basar b'Chalav*), rejects the opinion of *Dagul Merivava*; *Chatam Sofer* (*Yoreh De'ah* no. 92) is also reluctant to rely on this

13. *Yoreh De'ah* 87:1.

14. See Rabbi Menachem Genack, *Gan Shoshanim* (vol. 1, no.16); and *Badei HaShulchan* 87:25.

15. Mordechai, *Avoda Zara*, 828; Rashba, *Torat HaBayit* 3:4:85a; Ramban, *Chullin* 113b.

opinion. Furthermore, although the *Chatam Sofer* assumes that this leniency applies to the milk in the mixture as well the meat, Rabbi Akiva Eger¹⁶ writes that only the meat is permitted, but the milk is *assur b'hana'ah*. According to Rav Akiva Eger, the *Dagul Merivava's* leniency would not apply, since milk is an integral part of the formula fed to veal.

Moreover, the Vilna Gaon (Gra) disagrees with the *Shach* entirely. In his commentary to *Shulchan Aruch*, the Gra cites a *Sifrei* that supports the Ramo.¹⁷ According to the Vilna Gaon, an animal that is fattened with foods whose consumption is forbidden (*issurei achila*) is also prohibited. Indeed, there are authorities who agree with the *Shach* that *nitpatma* applies only to *issurei hana'ah*, but still refer to a *minhag* to go beyond the strict halacha and not to consume livestock that were fattened with insects and other *issurei achila*. Although the strict halacha may follow the *Shach*, the *minhag* (common practice) was to adopt the position of the Ramo.¹⁸

16. *Drush veChiddush, Ma'aracha 7 to Masechet Beitza*.

17. See *Bi'ur HaGra*, Y.D. 60:1, who refers to *Sifrei, Parshat Re'eh, piska 49*. See also the comments of Netziv to *Sifrei, loc cit*. See *Teshuvot Maharam Schick, O.C. no. 212*, who interprets the Ramo's prohibition of animals fattened by non-kosher food in light of the Ramo's own comment elsewhere (Y.D. 81:7). There, the Ramo maintains that ingesting non-kosher foods may cause a person to have bad character traits. Likewise, in the case of an animal fed non-kosher food, even if the animal is technically kosher, one should avoid its consumption lest one develop negative character traits. See, however, *Minchat Yosef* (Y.D. 60:8:5) who questions the Maharam Schick's comparison to Y.D. 81:7.

18. See *Minchat Ya'akov*, 65:17 who agrees with the *Shach*. However in 66:2 he quotes his father that the *minhag* to refrain from eating a certain wild hen is because that particular hen feeds on non-kosher insects. *Pleiti*, 82:2 however, disagrees with the rationale given by the *Minchat Ya'akov*. See also *Darchei Teshuva* 60:13.

The majority of material regarding *nitpatma* is found in *Hilchot Pesach*. The *Acharonim* deal with the permissibility of drinking the milk of a cow that consumed *chametz* on *Pesach*.¹⁹ *Chametz*, like *basar b'chalav*, is *assur b'hana'ah*. Even so, there are authorities who permit drinking the milk of a cow that was fed *chametz* because the normal way to derive *hana'ah* from *chametz* is by ingesting the *chametz* directly, not by drinking the milk of a cow that fed upon *chametz*.²⁰ *Chametz*, like most *issurei hana'ah* is only forbidden *k'derech hana'ato*, when one derives benefit in the normal way. Therefore, there is no problem with benefiting from *chametz* by drinking animal milk, as this is not the normal way of deriving benefit from the *chametz*. However, *shelo k'derech hana'ato* will not help in the case of calves that consumed *basar b'chalav*. One is forbidden to derive benefit from *basar b'chalav* even if the benefit is derived in an atypical manner.²¹

Zeh V'zeh Gorem

The Ramo's leniency regarding an animal that was fattened by kosher and non-kosher products together emerges directly

19. See *Mishnah Berurah*, 448:33.

20. See *Pleiti*, 60:1, *Aruch HaShulchan* 60:7 and the responsum of *Nishmat Adam* at the end of *Chayyei Adam*, *Hilchot Pesach*, no.9. This approach is very questionable. The principle of *shelo k'derech hana'ato* only reduces the severity of a biblical prohibition to make it into a rabbinic prohibition, but does not serve to permit the prohibition entirely. See *Yehuda Ya'aleh* loc. cit, who raises this objection to the position of *Pleiti* and offers his own novel explanation. Perhaps we can suggest in defense of *Pleiti* that an item consumed in a slightly atypical manner is still rabbinically forbidden. However, if the prohibited item is consumed in a completely irregular matter, such as consuming prohibited items that were ingested by an animal, then it would be completely permitted.

21. See *Pitchei Teshuva*, Y.D. 87:1.

from the Gemara in *Avoda Zara* (49a), which cites a dispute among the *tannaim* whether *zeh v'zeh gorem* is permitted or prohibited. *Zeh v'zeh gorem* is the concept that when two distinct self-sufficient forces, one permitted and the other forbidden, cause a single result, that result is permitted. The case in question regards an animal that was fattened, among other things, with grains which were worshipped as *avoda zara*, thus prohibiting any benefit to be derived from these grains. Halacha follows the opinion that *zeh v'zeh gorem* is permitted.²² This implies that were there to be no source of food other than the prohibited, all would agree that the animal is forbidden. In our example, were the diet of calves to consist of this prohibited formula combined with another permitted food source such as grain, veal would unquestionably be kosher. But in reality the overwhelming majority of veal that comes to market in America nowadays subsists entirely on prohibited formula. Based on the *p'sak* of the Ramo, it would appear that veal, as it is produced in America today, should be forbidden.

There are some who maintain that veal may be permitted because of the principle *zeh v'zeh gorem*. Calves drink small amounts of water in addition to the formula that they are fed. Some maintain that the water serves as a permissible cause of the final result, and consequently veal should be permitted.²³ However, there is good reason to question this *heter* (leniency). Although water is necessary for the calf to survive, it does not play a role in fattening the animal. It is therefore questionable if water can be treated as a *zeh v'zeh gorem* factor.

Yet there may still be another reason to permit veal on the basis of *zeh v'zeh gorem*. The mixture given to calves contains other ingredients besides meat and milk, most notably coconut

22. See *Yoreh De'ah*, 142:11.

23. See Rabbi Moshe Chayyim Shmerler, *Mesorah* 15 (1998), p.74-78.

oil. These ingredients may themselves serve as a permissive factor since they aid in fattening the animal.²⁴ However, this reasoning is questionable because of the principle *chaticha na'asait neveila*.²⁵ Put simply, when a permitted food absorbs the taste of a forbidden food, it becomes prohibited not incidentally, but intrinsically. This would mean that although the other ingredients in the formula are permitted foods, once they absorb the taste of the prohibited foods, they can no longer be considered a *gorem* of *heter*. According to the author of *Shulchan Aruch*, the principle of *chaticha na'asait neveila* applies only to *basar b'chalav*. The Ramo, however, maintains that it applies to all prohibited foods. Therefore, according to the Ramo even a mixture that contains no *basar b'chalav*, only lard and coconut oil, would not be considered permissible under the rubric of *zeh v'zeh gorem*.²⁶

24. Many mixtures contain both lard and tallow. According to the *Shach* mentioned earlier, the lard could be treated as a *gorem* of *heter* since the prohibition of *beheima she'nitpatma* applies only to *issurei hana'ah* and not to lard and other *issurei achila*.

25. See *Shulchan Aruch Y.D.*, 92:3,4. There is a dispute whether *basar b'chalav* that infuses taste into other foods is to be treated as *chaticha na'asait neveila* of *basar b'chalav* or as *chaticha na'asait neveila* of an ordinary prohibition. See *Shach* 105:17, who rules that it is treated as an ordinary prohibition, not *basar b'chalav*. Rabbi Yosef Dov Soloveitchik *zt"l* explained that according to the *Shach* the *chaticha na'asait neveila* of *basar b'chalav*, and according to the Ramo the *chaticha na'asait neveila* of ordinary prohibitions, do not transform the permitted substance into a prohibited one. Rather, *chaticha na'asait neveila* simply modifies the amount necessary to effect *bittul*, nullification. See *Gan Shoshanim*, loc cit, and *B'lkvei haTzon* no. 24. If so, one would be tempted to treat even an item of *chaticha na'asait neveila* as a *gorem* of *heter*.

26. The consensus of *poskim* is that although *chaticha na'asait neveila* of prohibited foods other than *basar b'chalav* is only a rabbinic prohibition, nevertheless, once food is prohibited because of *chaticha na'asait neveila* it can no longer be treated as *zeh v'zeh gorem*. This is

The *P'ri Chadash* (*Yoreh De'ah*, 60:5) develops a novel approach to *zeh v'zeh gorem* that in effect will permit every animal that is fattened by prohibited food. The *P'ri Chadash* maintains that to qualify as a *zeh v'zeh gorem* the two *gormim* (causes of the final result) need not serve the same purpose. This position is espoused by Rashi in *Avoda Zara* (49a s.v. *vihivrich*) who maintains that the ground is considered a *gorem* in the growth of a seed. Although Tosafot (ad loc s.v. *she'im hivrich*) disagree with this explanation, the *P'ri Chadash* shows that the Rambam (*Hilchot Ma'aser Sheni* 10:21), agrees that the two *gormim* need not fill the same role. In the case of an animal that was fattened exclusively with prohibited foods, the ultimate girth of the animal is a product of what the animal ate in addition to the animal's size at birth. In effect, the animal's size at birth is a permissible *gorem* of the end result, the fattened animal.

There are a number of problems with the *P'ri Chadash's* explanation. First, it is not clear how the *P'ri Chadash* deals with the Gemara in *Avoda Zara*, which clearly implies that an animal fattened completely with *avoda zara* foods is prohibited. Nevertheless, the *P'ri Chadash* permits the animal.²⁷ More fundamentally, Rabbi Yona Landsofer (d.1712), *Kanfei Yonah* (Y.D. 60), counteracts the argument of the *P'ri Chadash* and reinterprets the Gemara in *Avoda Zara*. He argues that *zeh v'zeh gorem* is not applicable to an animal fattened with permitted and prohibited foods together. In the case of the animal, some of the animal's fatness is the result of the prohibited foods. The fact that there are other contributors to the animal's girth is

implied by *Teshuvot Machane Chaim*, (*Yoreh De'ah* II, no. 20) and *Da'at Torah*, (*Yoreh De'ah* 60:9). *Teshuvot She'eilat Shalom*, (II, no. 154), however, cites a number of reasons to be lenient in the case of an animal that fed upon food which absorbed taste of non-kosher foods.

27. See *P'ri To'ar* (60:4) for an explanation of the Gemara according to the *P'ri Chadash*.

immaterial. It does not matter if an animal becomes slightly chubby or morbidly obese by ingesting non-kosher food. In either case the animal is forbidden.²⁸

Issur She'nishtane

The *Issur V'heter* (47:9) presents us with a major reason to be lenient in the case of an animal that was fattened with non-kosher foods. The *Issur V'heter* permits consumption of a kosher animal that nursed from a non-kosher one, because the digested food is changed so much that it is halachically considered "burned". Apparently, the *Issur V'heter* considers the change that occurs through digestion significant enough to

28. *Kanfei Yonah* explains that the Gemara in *Avoda Zara* refers to an animal that was sustained through both kosher and non-kosher foods. In that case the animal is permitted because of *zeh v'zeh gorem*. However, when an animal becomes noticeably fatter through ingesting kosher and non-kosher foods, the animal is forbidden since some of its fatness can be attributed to the non-kosher. See also *Da'at Torah* 60:4,5 who concurs with this position. See also *Darchei Teshuva* (60:12). *Minchat Yosef* 60:8 analyzes whether we rule according to the *P'ri Chadash* or the *Kanfei Yonah*.

It should be noted that the calves are fed colostrum, secretions of a newly-lactating cow, on their first day of life. The colostrum contributes Immunoglobulin G (IgG), an important protein capable of acting as an antibody, as well as fats and other proteins. See the publication of the Bovine Alliance on Management and Nutrition, *A Guide to Colostrum And Colostrum Management For Dairy Calves*, 1994. *Teshuvot P'nei Yehoshua*, *Yoreh De'ah*, no.4, writes that an animal that started feeding from permitted sources and later in life switched to prohibited sources is permitted, based on *zeh v'zeh gorem*. It would be tempting to include his reasoning as further grounds for leniency, inasmuch as the calves start feeding on colostrum, which is permitted. However, it seems absurd to assume that all of the examples regarding *behaima she'nitpatma* refer to cases when the animal ate nothing other than *issur*. The colostrum plays no role in fattening the animal and should therefore not be considered as a *zeh v'zeh gorem*.

permit the consumption of an animal that digested prohibited foods. This is very similar to the principle of *issur she'nishtane*, which is cited by the *Magen Avraham* (216:3), in which a prohibited item that was significantly changed becomes permitted.

The *P'ri Megadim* (*Siftei Da'at* 60:5) adopts the approach of the *Issur V'heter*. However, he elaborates on the *Issur V'heter's* position and distinguishes between two types of *issurei hana'ah*. The Mishnah in *Temura* (33b) tells us that there are *issurei hana'ah* which must be burned (*nisrafim*) and *issurei hana'ah* which may be disposed of through burial (*nikbarim*). The halacha is that the ashes of *nisrafim* (prohibitions which must be destroyed by fire) are permitted; however, the ashes of *nikbarim* (prohibitions that may be simply disposed of) are forbidden.²⁹ *P'ri Megadim* argues that it should be permitted to eat an animal which consumed *nisrafim*, since the prohibited item was burned through digestion and consequently became permitted. However, an animal that ate *nikbarim* would be forbidden, since the prohibited item was not properly destroyed. According to the analysis of the *P'ri Megadim*, calves that fed upon *basar b'chalav* would be forbidden. *Basar b'chalav* need not be destroyed through burning; it is in the category of *nikbarim*.³⁰ Therefore, the ashes of *basar b'chalav* would still be forbidden, and it would still be forbidden to consume an animal fattened with *basar b'chalav*.

Rabbi Moshe Feinstein, however, relies upon *issur she'nishtane* to permit even an animal that was fattened with *basar b'chalav*.³¹ He shows that Ramo, who prohibits an item

29. See *Tosafot*, *Temura* 33b s.v. *hanisrafim*, who explain the reason for this phenomenon.

30. See *Temura* 33b.

31. In a lengthy *teshuva*, Rav Moshe shows that the majority of

fattened with non-kosher foods, follows a minority opinion, but Rav Moshe feels that one should follow the majority of *Rishonim*. Therefore, he permits consumption of an animal that was fattened with *issurei hana'ah*.³² The one exception to this is the prohibition of *avoda zara*.³³ In effect, Rav Moshe uses the principle of *issur she'nishtane* to limit the case of *beheima she'nitpatma* to the one case mentioned in the Gemara, an animal fattened with *avoda zara* foods.

Rav Moshe Feinstein is not alone in limiting the prohibition of *beheima she'nitpatma* and consequently permitting an animal fattened with a meat-and-milk mixture. Rabbi Shlomo Kluger also maintains that *issur she'nishtane* would permit any animal that is fattened with prohibited foods, other than *avoda zara*.³⁴

Rishonim permit digested non-kosher foods to be eaten. There is a minority opinion that digestion only removes *tumah*, ritual defilement, of an object but does not permit the consumption of the object.

32. *Iggerot Moshe, Orach Chaim*, I, 147. Rav Moshe also deals with the issue of *ma'arit ha'ayin* which the *Issur V'heter*, in the *hashmatot* at the end of the *sefer*, uses to prohibit the purchase of an animal fattened by non-kosher foods. According to Rav Moshe, *ma'arit ha'ayin* only applies to the case of an animal that nursed from a non-kosher animal where people may say that the apparently kosher animal is indeed the offspring of the non-kosher animal. There is no *ma'arit ha'ayin*, according to Rav Moshe, when an animal was simply fattened by non-kosher foods.

33. The Gemara derives from the *pasuk* "*v'hayeeta cherem kamohu*" (*Devarim* 7:26), that not only is *avoda zara* forbidden, but anything created from *avoda zara* is likewise prohibited.

34. He shows that *avoda zara*, unlike other prohibitions, can apply to any substance. It does not matter if a person worshipped grains or an animal; in either case the prohibition of *avoda zara* sets in. Therefore, the fact that the animal digested grains of *avoda zara*, and the grains were thereby changed to become part and parcel of the animal, does not in any way mitigate the *issur*. See *Tuv Ta'am V'da'at, Tinyana*, 236. The Maharit cited by *Knesset HaGedola*, Y.D. 60 also limits *beheima she'nitpatma* to the case of *avoda zara*. However, we do not know the

Conclusion

To return to our original question: Is it permissible to eat meat from an animal which was fed primarily non-kosher feed, particularly if the feed is a meat-and-milk mixture?

Many *poskim* follow the *Shach* in permitting animals fed solely on non-kosher foods (*issurei achila*). According to these *poskim*, veal coming from calves that were fattened with lard would be permitted. However, veal derived from calves fattened with *basar b'chalav*, a meat-and-milk mixture would be forbidden unless one accepts the position of the *Dagul Merivava*. Even so, there are grounds for leniency according to the authorities who permit animals that were fattened with *issurei hana'ah* (besides *avoda zara*) based on the principle of *issur she'nishtane*. Some argue that formula-fed veal should be permitted based on the principle of *zeh v'zeh gorem* since permissible ingredients are included in the feed mixture. However, others question the application of *zeh v'zeh gorem* to this situation.

Kashrut agencies are currently working to modify the feed given to veal calves. We must keep in mind however, that the Ramo and the Vilna Gaon, two major determiners of Ashkenazi normative halacha, are stringent, and forbid an animal that was fattened by any prohibited food. Even if the kashrut agencies are successful in changing the fat content in calf feed so that it contains no tallow, only lard, we will not satisfy the opinion of the Ramo and the Vilna Gaon.

Moreover, some claim that the accepted tradition has always

basis for the Maharit's limitation, as *Knesset HaGedola* does not reproduce the *teshuva*. The *Aruch HaShulchan* 60:7 writes that *beheima she'nitpatma* only applies to *avoda zara*. However, the reason he gives is that the benefit received is *shelo k'derech hana'ato*, as mentioned by the *Pleiti*, see note 20. As we mentioned, this reason will not serve to permit an animal that consumed *basar b'chalav*. See note 21.

been to follow Ramo and forbid animals fattened by prohibited foods. Only if kashrut agencies successfully modify the veal feed so that it contains no non-kosher ingredients will veal be kosher according to all opinions. A kosher formula is now available but is currently used by very few producers of kosher veal.³⁵ Hopefully, all kashrut agencies will soon insist upon use of this kosher formula.³⁶

Our intention in writing this paper is clearly not to decide a matter of halacha. Rather we want to clarify a difficult halachic issue, so that the reader can be well informed of the issues. It must be kept in mind that this presentation is based on the information that we have regarding calves at the time this article was written, November 2002, and this information is subject to change. Moreover, industry leaders are very competitive and do not readily reveal the recipe for their formula. It is the responsibility of the kosher consumer to stay in touch with kashrut agencies and monitor any change in this issue.

35. U.S. Patent no. 6,348,222 (issued February 19, 2002), describes in detail the content of all veal feed currently available. This patent, "Milk replacer without animal fat, for feeding veal calves" is the first of its kind to contain no animal fat at all. The primary reason given for the development of milk replacer without animal fat is to enhance marketability of the meat as kosher. Such formula is currently used to feed calves and has limited availability on the kosher market.

36. There may be additional reasons to be lenient with utensils used to cook veal. See note 12.