

HALOCHOSCOPE

This week's question:

Someone converted his diesel truck to run on used cooking oil. He has an arrangement to obtain used oil from a meat restaurant and a dairy restaurant. May he use the two used oils together. Does he need to 'flush' the system between the two used oils?

The issues:

- A) *Basar Bechalav*, the prohibitions on mixing meat and milk
- B) Is there an issue of *bishul*, cooking, in this case?
- C) *Hana'ah*, is there an issue of benefiting from the mixture?

A) *Basar Bechalav*

The Torah records the *mitzvah* forbidding meat and milk three times. Each time the term used is to forbid cooking a kid goat in its mother's milk. Apart from specific exclusions based on this, the repetition indicates *mitzvos* forbidding cooking, eating and benefiting from the concoction. The term 'cook' is used for the prohibitions of eating and benefiting to limit Scriptural prohibitions to a mixture that was cooked together.

There is a fundamental difference between *basar bechalav* and other forbidden foods. Both of these foods are permissible by themselves. When they are mixed together they get transformed into a new forbidden item. Other forbidden foods, such as carcass or blood, are forbidden in their own right. When they are mixed with or added to permissible foods (in proportions of one part to fifty-nine or less) they impart their forbidden flavor or particles to the mixture, thus forbidding the whole mixture. This can be accomplished whether they are cooked, soaked, salted or the particles are joined in any way. *Basar bechalav* does not become the forbidden food unless it is actually cooked together. Nonetheless, all types of mixtures are forbidden Rabbinically, and one may not even eat them at the same meal. The prevailing practice is to wait six hours, the period usually between meals, after eating meat before eating dairy foods.

The *ta'am*, flavor of the two mixing is what causes the prohibition. This is why the prohibition only applies when the proportion is one to fifty-nine or less. At a more disparate proportion, the smaller part of flavor is *bateil*, neutralized. Not only is the flavor coming directly from the food forbidden, but also the flavor when it is isolated. Thus, if the flavor was *balu'a*, absorbed into a utensil, then imparted into the other food, it is also forbidden. Therefore, a pot used for milk may not be used for meat and vice versa. In Jewish dietary law earthen utensils absorb very well, and are unable to lose the *bli'a*. Metal pots and wooden utensils also absorb *balu'a*, while glass is debated.

A neutral food that has meat or milk *ta'am* in it may not be cooked together with the other type. If they are cooked together, the *ta'am rishon* forbids the mixture. If the *balu'a* flavor from a pot was cooked into a neutral food, this secondary flavor does not forbid a mixture. However, certain things are still forbidden or practiced stringently, and this is

beyond the scope of this question. What concerns us here is that each oil was used to cook something directly. It absorbed *ta'am rishon* from meat or cheese. Usually, oil in a deep fryer can be used for more than one food. Neutral foods and chicken, which is excluded from Scriptural *basar bechalav*, were probably cooked in the same oil. When collecting all the oil from a restaurant, one must assume that it was used for the dairy or meat. Even if the oil was changed, some of the collected oil was used for the meat and the milk. We will assume that the proportion of flavor is enough to cause problems in mixing the two. [However, in our case, due to the possibility that there is less than the proportion needed to forbid it, we might be able to combine this with other mitigating factors.] Cooking the two together, while not including pieces of food, would create a mixture of both. This would definitely be forbidden to eat. Would it be forbidden Scripturally, and therefore forbidden to cook together and to benefit from? [See Chulin 103b-107b-114b, Poskim. Tur Sh. Ar. YD 87:1 etc. (-97), commentaries.]

B) Bishul

In our case, the two oils will not be eaten, but the issues of cooking and benefit apply. By mixing them and heating them, one is cooking. Eventually, it will be burned up, but until then they are cooked together. Assuming that there are no particles of meat and milk in the oils, the issue is whether cooking the two flavors together is included in the prohibition. There are two parts to this issue. First, is it forbidden Scripturally to cook the flavor of one into the other? In addition, is it forbidden to cook the two flavors in a way that they will be mixed? For example, may one adjust the flame of a gentile's pot? If he uses the same pot for meat and dairy, there will be some *ta'am* of each in its walls. When one adjusts the flame, regardless of whether the food is meat, milk, or neutral, the flavors are cooked together. Actually, there is a mitigating factor in this particular case. Presumably, the two flavors have already been merged when the second item was cooked. Therefore, one is not mixing them this time. There is a question whether cooking it a second time is included in the prohibition. Accordingly, due to the combination of this with the fact that one is purely cooking flavor, the prevailing practice is to rule leniently.

Bishul is defined by us as cooking. The Torah assumes that cooking is done in a standard way, called *derech bishul*. This really means cooking in a pot on a fire using a liquid medium. Thus, roasting is not included in the Scriptural prohibition. Smoking is deliberated by the Yerushalmi, and is unresolved. Due to the doubt, it is forbidden to smoke meat soaked in milk. Frying is somewhere in-between. If the pan is simply greased, the item is not cooked in a liquid. If it is deep fried it seems to be cooked, albeit in oil rather than water. However, the term for this is not *bishul*, but *tigun*. The process is different as well. The item is heated by the hot oil and crisped, rather than being cooked or softened (or hardened as the case may be) by water or a watery medium.

When two oily items are cooked together, this is doubly questionable. The items themselves might not have the same status as the milk, a watery substance, and the meat, a solid. For example, one could mix butter and beef tallow and heat it. One could mix them in heated form and fashion a candle. When the candle is kindled they heat up together. Is this *bishul basar bechalav*? Using this kind of candle is debated by the poskim. Some consider it *derech bishul*, a forbidden Scripturally. Others maintain that it is not *derech bishul*, and since one is not eating it but benefiting, it is permitted. Some permit

their use only if one has already purchased them, and yet others permit it only to avert a major loss. In our case, the oils are not actual butter or meat tallow, but oils flavored with meat and cheese. They might contain particles of the foods, which means that one is frying them up together. If no particles are present, the issue is the flavors.

Cooking flavors also raises the issue of *derech bishul*. The consensus is that to cook the flavor of one directly into the other is *derech bishul*, but cooking flavors with each other is not *derech bishul*. Accordingly, the issue of adjusting the gentile's pot must be reviewed in this light. A second case is discussed, where water used to wash both types of dishes or utensils is mixed and fed to animals. Apart from the benefit issue, that will be discussed next, mixing them when hot could be cooking. If there are particles of the foods, this is a serious concern. If there is less than the problematic proportion, this is mainly a concern of *balu'a*. This would not necessarily raise the issue of *bishul*. Mixing them when they have cooled down or in a secondary utensil in which they were not heated, is not a concern of *bishul*. In our case, therefore, mixing the two is not the issue. Heating them as the fuel is the main concern. [See Shabbos 38b etc. Psachim 41a, Chulin 8a 103b-108a, etc., Poskim. Tur Sh. Ar. YD 87:1 6, commentaries.]

C) Hana'ah

The Torah forbids benefit in various forms. The basic benefit is from the mixture in its uses as a food. One could also benefit from it as a non-food, but directly benefit physically. Typical physical benefits include using a *basar bechalav* wound dressing or shampoo. A non-physical benefit, but using its food potential, is feeding one's animals. In regard to other prohibitions the Torah distinguishes between real physical benefit and external benefit. For *basar bechalav* no such distinction is made. We mentioned the case of water from washing *basar* and *chalav* utensils to feed animals. Since the mixture is not cooked, and usually has too few bits in it to be prohibited properly, it is considered a stringency to abstain from using this as animal drink. Our case involves a more serious situation. The mixture will be heated up, making a true mixture.

In our case, the benefit is derived from material that contains flavor of meat and or milk, but not from meat and milk themselves. The oils will be filtered, removing solid matter. Even if the two were mixed in a forbidden manner, the flavor would not be giving the benefit. There is no extra benefit from the flavors of the meat and milk. They are not mixed before the engine is turned on, but in the process of fueling the engine. Thus, the act of turning on the engine is done when the flavors are independent of each other. The benefit is gained when they are cooked with each other. The act causes the mixing, as a by-product of causing the engine to be fueled. However, the presence of meat fat can not be discounted. There could also be some cheese fat present. Either of these can be skimmed off the top before they are mixed. Beef fat and butter are saturated fats. They congeal when cooled. If the oil is less saturated, the congealed fat can be removed.

The benefit in our case comes as the oil is burned up and destroyed. Thus, two considerations could apply. The item that is forbidden no longer exists when the benefit is gained. This is the way one would benefit from it anyhow, and the act of getting the benefit is done to the item when it is intact. However, since the actual benefit comes from the 'ashes' that are no longer the original item, it should mitigate the prohibition. Second, benefit while burning it could be permitted anyhow. Some items that are prohibited to

benefit from must be burned. While they are burning, the benefit is permitted.

Assuming heating the mixture is *bishul basar bechalav*, the resulting mixture is forbidden to benefit from. *Basar bechalav* is one of those types of benefit prohibitions that must be buried. If the item is burned, the ashes are also forbidden. It can only be permitted if it became inedible before it was mixed. The prevailing practice is to pour it down the toilet, as a form of burial.

In our case, the mixture has *basar bechalav* in it, but is mostly permissible neutral food. In such instances, the forbidden proportion may not be benefited from. If one is able to evaluate the difference between the mixture with and without the *basar bechalav* component, he may sell the remainder to a gentile, benefiting from the 'neutral' part. If we consider the oils the same value with or without the *basar bechalav* component, there is no benefit gained from the forbidden part. The entire mixture would be permitted. [See Psachim 21a etc. Chulin 103a-104b 113a-114a, Temura 33b-34a, Poskim. Tur Sh. Ar. YD 87:1 6, OC 448, 673:1, commentaries.]

In conclusion, the real question here is whether the cooking is forbidden. If it is, there is a Scripturally forbidden mixture. Due to the various mitigating factors, one could use this oil mixture. Care must be taken to remove as much congealed real meat and milk fat as possible. The remaining amount will be 'cooked' together, but in the form of frying. This is debatably permitted. The remaining flavors will be cooked together, which might not be considered *derech bishul*. In addition, there is a question whether the oil was actually used for meat and cheese or only for neutral items. If it was used for some meat and milk, it might have enough neutral material to neutralize them. Since the issue of *bishul* can be resolved this way, the benefit does not pose a problem either. Firstly, it would not be forbidden Scripturally unless there was *bishul*. Second, the benefit is not worth anything. To further reduce the possibility of a restriction, one should try to use the two oils separately. However, one need not flush his tank between them. The small amounts remaining may be assumed to be *bateil*, in accordance with the aforementioned conclusions. [See Sotah 10b Baba Kama 86a-b 90b etc., Baba Metzia 68b-69a, Sanhedrin 99a, Avos 3:11, Erchin 16b, Etc., Poskim. Tur Sh. Ar. OC [1:1 biur halacha] 506, 508. [YD 243] CM 228:1-5 420-421, commentaries. Chofetz Chaim Psicha 14, Shaarei Teshuva III:139, Chinnuch 49, 240, Binyan Tziyon 172.]

*On the Parsha ... And [Lot] delayed .. to save his property [Rashi] "Escape with your life" .. do not worry about the property [Rashi] ... [19:16-17] The property was not meant to be saved, but destroyed. [Maharal] Perhaps Sedom was considered Ir Hanidachas, a city of idolaters, condemned to utter destruction. The property must be burned. While ash of burned forbidden items is not forbidden, the ashes of Ir Hanidachas seems to be forbidden [see Chulin 89a, commentaries]. Nonetheless Sedom salt is allowed, as seen from the Talmud. This might refer to sea salt in general, but the reference is usually to Sedom salt. [It is the preferred salt for a *korban*, which is a *mitzvah* and not considered benefit.] It seems that this salt came from elsewhere to wreak the destruction. While it came into contact with the forbidden property, once the property is destroyed, the salt is permitted, since it is not the item itself.*

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