

# HALOCHOSCOPE <sup>TOI</sup>

It is sometimes very difficult to pry open some nuts and seeds to check them for bugs. Someone finds ample evidence of infestation, but only in the nuts or seeds that are less tightly sealed shut. In the tightly sealed nuts no evidence is found. May one rely on this to eat the tightly sealed nuts without checking them first?

The issues:

- (A) The prohibitions against eating *Tola'im*, bugs
  - (B) *Bedikas Tola'im*, the obligation to check for bugs
  - (C) The infestation relevant to nuts and seeds, and requirement for checking
- (A) *Tola'im*

The consumption of insects is Scripturally forbidden. The only exceptions to this are four species of locusts, specified in the Torah. Water insects (swarming, creeping or crawling creatures) are forbidden in four Mitzvos. The repetition is to reiterate the severity of the prohibition. Pork, by contrast, is forbidden in one precept. Land insects are forbidden in five precepts, and flying insects in six. The Jews in Egypt refrained from eating *Sheratzim*, a term used to include many forbidden species of creature, including insects. In this merit they were redeemed. This is indicated in the terminology of the Torah. Eating *Sheratzim* is considered revolting, and the Jews are praised for resisting this temptation.

Some *Sheratzim* are large enough to be consumed independently. However, any such creature that can be seen by human eyes is forbidden. Many of these live on other foodstuffs as parasites, or consume them as their diet. Therefore, the food must be cleaned of them before it is consumed. Otherwise, the person eating the food is also violating the prohibition against eating these insects at the same time. Though this is unintentional, if the person is aware of his actions he is liable for them. The prohibition applies to insects and their eggs. Though the Torah words the Mitzvah in terminology forbidding doing revolting things, the droppings and webbing of the bugs is not included in the Mitzvah.

Various conditions apply to determine whether the insect is forbidden. Normally, one is only in full violation of a Mitzvah forbidding food if he eats the required *Shiur*, minimum amount. For most Mitzvos this is a *Kezayis*, the size of an olive. It must also be eaten in the time needed to finish a half loaf of bread

or eight Kezaysim. Though less than this is also forbidden, scripturally according to the Talmudic view that we follow, one is not liable for the due punishment or atonement. For a *Beriyah*, a complete creature, one can be held liable even for a smaller amount than a Kezayis. Thus, eating a whole insect is forbidden Scripturally, and is considered an activity liable for the penalty of lashes (six sets of lashes for a single flying insect). The issue is mitigated if the insects are incomplete. For this reason one need not be concerned for limbs of bees that are sometimes present in honey. In modern times, government health regulations dictate the maximum allowable presence of insect parts. They forbid complete insects, but allow a small amount of legs, wings, droppings and the like. Since they are not readily recognized one is not expected to remove them. This has always been the acceptable Halachic standard, with bees' legs in honey being a common example.

As mentioned earlier, even a half measure is forbidden, though not liable for the penalty. Accordingly, even a part of or an incomplete insect is forbidden. Normally, in a mixture of sixty parts permissible food to one part of forbidden food, the forbidden food is *Bateil*, neutralized. The entire mixture may be eaten. This only applies if the forbidden ingredient is not detected in the mixture. If it is recognizable, or if it is a *Beriyah* it is not neutralized. Due to its *Beriyah* status, plus the fact that only a visible insect is forbidden, both of these exceptions to *Bitul* apply to a complete insect. Insect parts are, however, treated like any other forbidden food, and can be *Bateil*. One may not intentionally crush and mix an insect to avoid removing it from a mixture. If this was done the person who did it is forbidden to eat the mixture. However, if one plans to use a product that *might* be infested in a crushed state anyhow, such as in a jam, he need not check for the presence of bugs. He may rely on the fact that if they are present they will become *Bateil*.

A second condition is that the bug was *Shoreitz Al Haaretz*, creeps on the ground. Attached produce is considered the ground. Picked produce is not considered the ground. Some bugs are laid as eggs in stored produce, in cheese, or live fish, hatch on the food and have not yet left it. They are permitted. If the bug jumps of the cheese and lands in the plate, it is forbidden. Though it has not yet crept on the ground, the condition of *Shoreitz* is fulfilled when it is free to do so. Until it leaves it is not free to do so, but once it leaves it is free to crawl on the ground.

A third condition is that the insect is intact. If it has decomposed or been destroyed it is considered dust. Thus, if a product was roasted or if any insect on it has been dead for a year, it is considered dust, and may be eaten. If a product is frozen or preserved in sugar, salt or with preservatives, decomposition is pre-

vented. Similarly, toasting or roasting a product until it is brown could destroy a bug. Some Poskim disapprove of relying on toasting, some allow it to destroy small bugs only, and some only allow it when there is no known evidence of infestation. However, if the food is moist or in a shell, destruction of the bugs is prevented. Unfortunately, the infestation in our question is that of an egg. These sometimes take many months to hatch, and can also develop and hatch in a dried seed.

### **(B) *Bedikas Tola'im***

If there is no reason to suspect the presence of a bug there is no need to hesitate to eat a product. However, when there are grounds for suspicion of the presence of such creatures, one may not eat the product before checking it. If checking is required, each fruit must be checked. Checking the majority is insufficient.

Checking is required Scripturally if the food is considered *Muchzak Betola'im*, presumed to be infested. This would mean that half or more have bugs. It is then a *Safeik De'oraisa*, doubt on a Scriptural law. This requires a stringent ruling, unless it can be resolved through checking each fruit. This status can be established by checking a batch of the fruit. The Poskim mention the presence of three or more bugs. Three creates a *Chazaka*, presumption. However, this is not to be taken at face value. The Poskim show that the presence of three bugs in the first three fruits can be reversed in the next four fruits. It is taken to mean that if a single sample, or a mixture (after cooking) was found to contain three or more bugs, the fruit must be considered infested. Otherwise, it would need to be checked for the presence of bugs in the majority of a sample. If bugs are present in a *Miut Hamatzuy*, significant minority of fruits, there is a Rabbinical obligation to check. This means two found in a mixture or sample, or enough in a larger amount to guess that they could be present. If their presence is rare, there is no obligation to check.

Checking on dry seed type foods depends on the type of infestation. External checking can be done if the food is to be cooked. A procedure will reveal the presence of bugs through discoloration or flotation of seeds that have been eaten away. If it is infested internally, some checking is possible by examining the exterior for holes and the like. However, normally, they must be checked internally. [See Parshas Shemini 11:10 21-23 41-46. Psachim 24a Makos 16b Chulin 58a-b 65a-67b. Poskim. Tur Shulchan Aruch Yoreh Deah 84-85, commentaries.]

### **(C) *The type of infestation***

The evidence of infestation in our case is a bubble on the inside of the seed, usually near its 'stalk'. This is an elongated egg shaped symmetrical whitish membrane that resembles the type of cocoon that might house a bug while it is metamor-

phosing. This is possible in our case, though it is a strange choice of location. The likelihood is that this is the egg of seed weevils or bugs of their nature (as opposed to leaf or stem bugs). The weevils enter the seed to lay their eggs, then exit the seeds. When the eggs hatch the larva eat the seed. Farmers are generally most concerned with infestation of bugs that destroy the entire plant. Quality controllers are concerned with actual bugs. Therefore, the presence of these bubbles is no real concern for producers. The weevils that infest sunflowers or peanuts are best controlled when they have already laid the eggs. Thus, a farmer would apply his pesticides to kill the developing eggs or the hatching larva. Accordingly, the presence of such bubbles is possible in healthy looking nuts or seeds in large amounts. The presence of the bubble is evidence that the larva did not hatch, because had it hatched it would have eaten the seed.

At issue is the presence of the bubbles, but only in the seeds that can be separated easily. It seems that the bug loosened the seam connecting the two halves of the seed to enter. Thus, the loosely sealed seeds are apparently Muchzak Bctola'im. The tightly sealed seeds seem to be free of infestation. May one assume that in the same batch two statuses can be present?

The entire Chazaka is created only through observation. In addition, the obligation to check is based on a situation of Safeik. Therefore, one may assume that his observations do determine the status of his own obligation to check. Clearly, in our case there is a situation whereby one is able to establish two separate Chazakos, one for the loosely closed seeds and another for the tightly closed seeds. In fact, from a purely logical approach, one could not apply one Chazakah to the other situation, for purposes of leniency or stringency. Alternatively, one could consider the entire batch suspect, a Miut Hamatzuy. However, one could accept as a method of checking, testing the tightness of the closure between the seed halves. Accordingly, it is permissible to eat the seeds if they seem to be tightly closed, without concern about the possible presence of eggs. Loosely closed seeds may not be eaten before they are opened and checked.

Correction to last issue: In the last paragraph, second line "One is not responsible in this case ..." Last line, "inquiring". Addition: A senior contemporary Posek continuously maintains that until age seven one may permit children to eat without waiting. (Courtesy of R. Nachum Langsner, quoting Harav Schienberg, shlita.)