The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Sun, May 21 2023 ■ א' סיון תשפ"ג
סימן תק"ה סעיף א'

Halacha Highlight

Cholov Yisroel

Rema Siman 505 Seif 1 (b)

וישראל רואהו

And a Jew watches him

Rema mentions that if a gentile milks an animal on Yom Tov and a Jew observes the milking, one could be lenient and consume the milk on Yom Tov. Mishnah Berurah (סק"ח) explains that Rema refers to where a gentile milks a Jew's animal that was designated for consumption so that it is not prohibited as *muktzah*. Alternatively, Rema could refer to a gentile milking his own animal which is not *muktzah* and as such, it could even be an animal that was designated for milking since, *halachically*, it will always be treated as though it was designated for eating and thus not an issue of *muktzah*. Mishnah Berurah (סק"י) further explains that when the gentile milks the animal he may do so even into an empty utensil without concern for *nolad*. Bais Meir, however, maintains that even when the gentile milks the animal it must go directly into food.

The reason Rema emphasizes that a Jew must watch the gentile milk the animal is due Chazal's injunction against consuming milk that was milked by a gentile without a Jew present out of concern that the gentile would add some non-kosher milk (גמ' ע"ז ל"ה: ושו"ע יו"ד סי' קטו:א). Obviously, it is best to have a Jew physically present when an animal is milked but there are *Poskim* who maintain various degrees of leniency in a circumstance where there is government oversight to assure the quality and purity of the milk and will penalize companies who add anything other than approved ingredients to the milk (חזו"ע יו"ד סי' מ"א סק"ד ושו"ת תשובות והנהגות ח"א סי' תמ"א ואג"מ יו"ד ח"א סי' מ"ו – מ"ט ויו"ד ח"ד סי' ה'). A further extension of this discussion is whether video cameras in the milking area will satisfy Chazal's requirement to have a Jew present. Rav Yosef Shalom Elyashiv (שו"ת ישא יוסף יו"ד סי' י"ג) rules that as long as the factory has no ability to tamper with the video equipment or the recording, it is comparable to having a Jew physically present. Teshuvas Shevet HaLevi (ח"ט סי' קס"ה) also writes that technically assuming certain preconditions are met, it is permitted but nevertheless, it is preferable to have a *mashgiach* physically present at the time of the milking.

Overview

Siman 505 Seif 1 (b):

If a gentile milks an animal on Yom Tov while a Jew is watching, one may be lenient but the custom is to be stringent and one may not deviate from that custom. Regarding the two days observed in the exile, one may be lenient concerning the milk on the second day. See *siman* 305:20 whether it is permitted for a gentile to milk a Jew's animal on Shabbos. See below *siman* 510:5 whether one may make cheese from milk on Yom Tov.

- It is permitted even into an empty utensil since it is not considered nolad being that a Jew was permitted to milk the animal into a utensil that contained food and thus the milk is considered prepared. Bais Meir contends that even according to this opinion the milk must enter the food and the thrust of the ruling was that if a gentile milks his own animal that was assigned for milk production, it is not muktzah since a gentile's items are not muktzah. (M.B. 10)
- It is also permitted for a Jew to milk a gentile's animal into food since muktzah does not apply to his animals. (M.B. 11)
- This is permitted even if the milk entered an empty utensil. This allowance does not include the second day of Rosh HaShanah. If a gentile relates in the course of conversation that milk was milked from the animal on the first day of Yom Tov, he is believed. The halacha concerning squeezing out juice from unripe grapes is the same as it is on Shabbos and it is prohibited even if the juice enters food. (M.B. 12)