

# Kashrus of Soaps and Toiletries

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I. **Introduction.** As the כשרות industry continues to expand we commonly find השגחות on a wide variety of products, from different types of food to mouthwash, and even on dish soap. We are always aware of the necessity to check for a proper השגחה on food products, but what about those products that we do not ingest? Is there any reason to look for a השגחה on toothpaste or mouthwash? What about soap? In this essay we will explore כשרות issues as they pertain to non-food items and explain the pertinent הלכות as they apply to our daily lives.

II. **סיכה.** The (שבת דף פו.) גמרא relates that anointing oneself on יום כיפור is equivalent to drinking on יום כיפור based on a פסוק in תהילים. The (נדה דף לב.) גמרא states that the same is true when it comes to rubbing oil of תרומה on one's skin. Not only is it prohibited to drink תרומה products, but rubbing תרומה products on skin is also considered a form of drinking. (It is interesting to note that the גמרא only mentions the idea of סיכה כשתיה in relation to יום הכיפורים and תרומה where the prohibition may not be one of eating or drinking. יום כיפור is a prohibition of עינוי, and the consumption of תרומה may be a דין of משמרת תרומותי which is a prohibition of consuming תרומה in an inappropriate fashion.) In order to prove this point the גמרא provides two separate פסוקים. One is a פסוק from חומש (ולא יחללו את קדשי בני ישראל אשר ירמו חומש פסוק) (תהילים) (ותבא כמים בקרבו וכשמן בעצמותיו) (לה' - לרבות את הסך ואת השותה).

A. **Approaches of the ראשונים.** (יומא דף עז. ד"ה דתנן.) is bothered by the necessity for two separate פסוקים to prove a single point. More specifically, תוספות asks, why the גמרא would deem it necessary to cite a פסוק in תהילים after having already cited a פסוק in חומש.

1. תוספות explain that the גמרא cited a second פסוק to indicate that even if there would not have been an איסור דאורייתא to anoint oneself with תרומה oil, it still would have been rabbinically forbidden.
2. תוספות (נדה דף לב.) cited by רבינו תם explains that even the פסוק that the גמרא cites from the איסור תורה is not meant to indicate that there is an איסור

תרומה to anoint oneself with oil of דאורייתא. Rather, the פסוק is only an אסמכתא בעלמא, a mere allusion to the rabbinic prohibition of using תרומה in this way.

#### B. Halachic opinions of the ראשונים.

1. תוספות נדה שם, cited in רבינו תם, writes that we only find this rabbinic prohibition of anointing in relation to oil, but use of חלב or שומן החזיר (other prohibited foods) is completely permissible.
2. בית יוסף יורה דעה סימן קכג (cited by רשב"א) writes that even when one's life is not in danger they may use non kosher fats to anoint their skin. However, נקודת הכסף (יו"ד סוף סימן קיז, deduces from the רשב"א that one who is completely healthy should refrain from using such products. It should be noted that the רשב"א is far from explicit in prohibiting the use of non-kosher fats and oils, even for perfectly healthy people.
3. בית יוסף יורה דעה סימן קיז (cited in ארחות חיים) writes that although one may do business with many non-kosher food products, one may not rub them on his skin because anointing the skin is considered the equivalent of drinking (סיכה כשתיה).

#### C. Halachic approaches of the פוסקים.

1. **The lenient approach.** The שולחן ערוך (אורח חיים) writes that one may not wash his hands with soap made from חלב (prohibited fats) on שבת due to the prohibition of changing the form of an item on שבת. The obvious implication is that it is permissible to wash with such soaps on a weekday.
  - a. נקודת הכסף (יורה דעה סימן קיז) cites the רמ"א who wondered what we rely on when we wash with non-kosher soaps. Again, the implication is that the common practice was to wash with non-kosher soaps.
2. **The stringent approach.** The באור הלכה (סימן) writes that it is not permitted to wash with non-kosher soaps on שבת. The גר"א (סימן קכג) cites the opinion of the גר"א who ruled that it is not permitted to wash with non-kosher soaps on שבת.

is rabbinically prohibited to wash with non-kosher soap. The הלכה באור immediately notes that common practice, with the exception of a select few, is to rely on רבינו תם who thought it is completely permissible. As a practical matter, באור הלכה suggests trying to find kosher soap, and only using non-kosher soap when there is no kosher soap available.

D. **Our soaps.** While this discussion may seem significant, practically speaking most of our soaps are permissible even according to those who are most stringent about the issue of סיכה. Specifically, there are three reasons to allow all of our soaps:

1. Generally speaking prohibited foods can only become nullified when mixed with sixty times their volume of permissible foods. The logic for this is that any greater ratio would allow the prohibited taste to be noticeable in the mixture. The notion of טעם כעיקר suggests that as long as the non-kosher taste is present, the food remains prohibited. It could be argued, however, that טעם כעיקר is only a concern when it comes to ingestion of food. When speaking of סיכה, which may be the halachic equivalent of drinking on some levels. The prohibited foods become בטל ברוב (nullified in a majority of kosher ingredients). Almost all soaps, including those that have non-kosher ingredients, are comprised of a majority of kosher ingredients and may therefore be used in their normal fashion.
2. The תורה (דברים פרק יד פסוק כא) tells us that we may not eat the meat of an animal that did not have a proper שחיטה. Instead, the תורה suggests, "לגר אשר בשעריך תתננה" (you should give it to a stranger in your gates). The gemara (עבודה זרה דף) (עבודת זרה דף) derives from this פסוק that something can only be labeled as non-kosher food (נבלה) when it is edible to human beings (ראוי לגר). Anything that is inedible for human consumption is not in the category of prohibited foods. When ingested as food (פסחים רא"ש) (פסחים פרק ב' סימן א') rules that it is rabbinically forbidden because when one treats it as food (אחשביה) he elevates it to the status of food. It would seem certain, though, that when one

merely rubs the inedible item on his skin he has not elevated its status to that of food. As such, since most of our soaps and creams are not edible for human consumption, they may be used for washing the skin as well regardless of their ingredients.

3. ספר חוקותי תשמורו (page 433) also suggests that the way we commonly use soap may not be classified as סיכה at all. When one "anoints" his skin with oil or cream, the product remains on his skin or becomes absorbed in the skin. Soap, on the other hand, is rubbed over the skin for a short while before being washed right off. This assertion does not seem to be accepted by the גר"א, as he prohibited use of soap even though the method of use was the same as we have today. Also, this consideration will not help us in permitting creams and ointments. Clearly, though, the first two considerations provide us with ample room for leniency on all such products.

E. **Dishwashing soap.** There is a crucial distinction to be made between hand/body soaps and dish soaps. While hand or body soaps would never be consumed, dish soaps may occasionally remain on dishes even as one eats from them. The possibility of ingesting the soap is realistic. Nevertheless, Rav Moshe Feinstein (שו"ת אגרות משה יו"ד חלק ב' סימן ל') rules that since these soaps are completely inedible, one need not worry about the כשרות status of the ingredients. In the halacha periodical פוסקים (volume 6 number 1) הלכה ברורה are cited who deduce from Rav Feinstein's תשובה that if the soap is not completely rancid, but only a little bitter tasting, it would be prohibited to use for dishes. Many people are therefore careful to only use dishwashing soap with a השגחה.

III. **Toothpaste, mouthwash, etc.** Many products that are commonly used in maintaining dental hygiene contain glycerin, which poses a serious כשרות problem. While using soap is primarily an issue of סיכה, using toothpaste and mouthwash involves more direct כשרות problems because they are both placed in the mouth. The רמ"א (יו"ד סימן קח סעיף ה') rules that one may not even place non-kosher food in his mouth, even when the intention is to spit it back out. In fact, the (ח"א סימן קכט הו"ד בשו"ע או"ח סימן י) תרומת הדשן rules that ink, which has not become completely inedible should not be used lest one come to put his quill in his mouth while writing with the ink. If this is a concern when dealing with ink, which is not meant to be placed in the mouth, it stands to

reason that this is a problem when it comes to toothpaste and mouthwash, which is meant to be put in the mouth.

A. **Toothpaste.** The פוסקים raise two separate lenient considerations when it comes to toothpaste:

1. Many argue that toothpaste is not fit for human consumption and therefore poses no כשרות problem – see שו"ת הר צבי יו"ד סימן צה. When a product is no longer edible, although there is a prohibition to eat it (because of אחשביה), there is no prohibition to put it in your mouth and spit it out (פתחי תשובה). This is the position taken by the Star-K organization on their website. They argue therefore that toothpaste does not require any השגחה. Rav Herschel Schachter has pointed out that even though one may swallow small quantities of toothpaste in the course of brushing, there is no prohibition of אחשביה because the toothpaste was swallowed unintentionally. Additionally, not all ראשונים agree with the concept of אחשביה. Specifically, the ר"ן פסחים דף ה: בדפי הרי"ף ד"ה חמץ שאינו גרא clearly rules that if one consumes he has not violated a prohibition. The משנה ברורה (סימן תמב ס"ק מג) while maintaining a rabbinic prohibition against eating חמץ that was נפסל מאכילת כלב, rules that when חמץ that was נפסל מאכילת כלב becomes mixed with something else you may eat that item. However, Rabbi Yisroel Belsky argues that our toothpaste comes in all sorts of delicious flavors and may be considered to be ראוי לאכילה. Even though one would not consume a large quantity of toothpaste, it is certainly not out of the question for a person to take a small quantity of toothpaste to enhance the flavor in his mouth. It would therefore stand to reason, according to Rabbi Belsky, that if this were the only lenient consideration toothpaste should require a השגחה.
2. הלכה ברורה records a second lenient consideration in the name of Rav Yaakov Kaminetzky ז"ל. "A good portion of toothpaste contains a mild abrasive or polishing agent. The abrasive that is used is chalk (calcium carbonate). Rav Yaakov Kaminetzky paskened that although one would normally require

shishim to nullify the forbidden item, nevertheless, in this instance, since the toothpaste consists of chalk which is not a food item, it is ברוב.” (Rav Ahron Silver has pointed out that this idea of Rav Kaminetzky is difficult to reconcile with the שו"ע ד סימן צה סעיף ד and the commentators on the שו"ע who discuss דבר הפוגם in nullifying prohibitions and never raise the issue of requiring only a רוב instead of ששים. One can certainly distinguish between דבר הפוגם used as a toothpaste where the basis of the paste is not a food.) Despite this lenient consideration, Rabbi Kaminetzky is reported to have recommended that people purchase glycerin-free toothpaste when it is available. The prevalent view of the פוסקים is that there is ample room for leniency with toothpaste and one need not concern himself with the כשרות of any toothpaste.

- B. **Mouthwash.** There are some crucial distinctions between mouthwash and toothpaste. There is room to argue that neither of the above leniencies for toothpaste applies to mouthwash. First, mouthwash is generally flavored to have a more pleasant taste than toothpaste. While consumptions of large quantities will likely result in an upset stomach, consuming small quantities can be quite pleasant. Second, unlike toothpaste, mouthwash does not have a chalk base. All of the major ingredients can be viewed as a food, and would therefore require ששים to nullify any non-kosher ingredients. A majority of kosher ingredients would simply not suffice. As we have previously indicated, placing non-kosher food in one's mouth, even with the intention of spitting it out immediately is prohibited. For this reason Rabbi Yisroel Belsky rules that one should purchase only glycerin-free mouthwash (usually marketed for diabetics), and should see to it that mouthwash used on Pesach does not contain any חמץ. However, a significant group of פוסקים assume that mouthwash is not a food and is not considered to be edible. As such, these פוסקים maintain that one may use any brand of mouthwash with or without a השגחה (Rabbi Herschel Schachter and the position reported on the Star-K website). Rabbi Avraham Blumenkrantz notes that even if mouthwash were not fit for consumption there may still be reason to prohibit its use on Pesach. First, according to some פוסקים any חמץ that is made inedible by the addition of other ingredients, rather than by becoming spoiled, is not included in the leniency of לאכילת כלב. Second, Rabbi Blumenkrantz cites a ruling of Rav Moshe Feinstein that any

food that a desperate person would consume (i.e. an alcoholic may drink perfumes when whiskey is not accessible) is considered to be ראוי לאכילה.

C. **Oral care strips and sprays.** Recently, small strips that are placed on the tongue to dissolve and freshen one's breath have gained enormous popularity. Many of them are sold with a reliable השגחה. Even those who are lenient with the use of mouthwash without השגחה (i.e. Rabbi Schachter) do require that these strips carry a השגחה. The logic to distinguish between the two is simply that these strips are intended to be ingested orally. As such, they are considered to be an edible food that is normal to eat in small quantities. The same would apply to sprays that are commonly ingested orally without subsequently spitting them out. The consumer should be aware that some brands may carry a השגחה on the strips, but not on the sprays of the same brand.

IV. **Conclusion.** We have outlined the pertinent issues that relate to the כשרות requirements of many toiletries. We often do not look beyond the kitchen in maintaining a kosher home and lifestyle. While usually we may be justified in this limited approach to כשרות it is important to be familiar with the pertinent issues so that we may adequately respond to new products as they hit the market.