

VEBDE REBDE

Selling Food Supplements Online

Question: I sell a wide variety of food supplements and health products in an online business. I buy products from manufacturers and store them in a warehouse, from which we ship an order. Our clientele are a broad population in the US, which will certainly include a minority of Jews. People will not know that a frum Jew owns the business and rely on us that the food is kosher. Must the products be kosher? (I can send pictures of each product's label for your approval.)

Answer: We will start with an overview of the halachic issues involved.

Regarding the possibility that Jews will buy a non-kosher product, you need not be concerned about it for a combination of reasons, including the following (see more in *Living the Halachic Process*, vol. II, C-20). There is no Torah-level prohibition of *lifnei iver* (facilitating sin) because people can get these products elsewhere. Only a small minority of the customers are Jews and your intention is not for them. Therefore, since those who buy non-kosher items are not interested in keeping kosher, it is not your problem. The question is about your selling non-kosher, which could be a problem even if it is to non-Jews.

The gemara Pesachim 23a learns from the pasuk, V'SHEKETZ YIHYU LACHEM, that certain foods that are forbidden to eat are but are not forbidden in benefit, have certain limitations on benefit. The gemara states that if he did not seek to obtain the non-kosher foods, he can sell them, but he may not purposely obtain the foods in order to gain from them. The prohibition applies only to food that is forbidden from the Torah (as opposed to Rabbinically) (Shulchan Aruch, Yoreh De'ah 117:1). This applies primarily to meat and fish products, as opposed to many other non-kosher foods (dairy products, pastries, etc.).

According to most Rishonim, this is a Torah prohibition (see Shut Chatam Sofer, Yoreh De'ah 104-106, 108; Yabia Omer, vol. 8, YD 13). The Rashba (Shut III:223) says that the reason is to minimize the possibility of coming to eat forbidden foods, while others say it is a *gezeirat hakatuv* (heavenly decree without a known reason).

The consensus of poskim is that the prohibition applies when a Jew owns the food, even in cases where he is not expected to come in direct contact with it (Chatam Sofer, *ibid* 108, cited in *Pitchei Teshuva*, YD 117:6). Even if you are not considered to have contact with the food (we do not know to what extent you visit the warehouses), the prohibition applies because of your ownership (see *ibid.*). Thus, you should check (we can help) that the products



are not forbidden by the Torah.

[After receiving labels of many products, we realized we need to discuss non-kosher ingredients - from animals or non-kosher fish - that are in capsules.]

There is no Torah-level prohibition in eating a not kosher food by swallowing it when it is encapsulated in a non-food (see Mishneh Lamelech, Ma'achalot Assurot 14:12; Aruch Hashulchan, YD 85:40). Thus, one can argue that non-kosher food in a capsule is not a problem. On the other hand, one can argue that the food inside is still forbidden food, and it could be taken out of the capsule and eaten. Furthermore, perhaps the only important question is if the food is forbidden, and whether or not it will be eaten in a halachic manner is not important (see above).

The halacha is that one is not allowed to go out of his way to get things that are forbidden to eat by the Torah and are slated to be eaten (Shulchan Aruch, YD 117:1). Such things are forbidden in commerce even if you are not likely to eat them. However, in this case, at the time you will obtain the capsules, they are not slated for eating in a forbidden manner, and it is therefore permitted to buy them in order to sell.

There is much discussion as to whether gelatin capsules themselves are permitted (beyond our scope). However, it is sufficient that there

legitimate opinions permit it (at least from the Torah), as in such a case, it is permitted to sell it (Darchei Teshuva 117:63).

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