

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

119 - GEL CAPS AND GELATIN OU ISRAEL CENTER - WINTER 2019

A] ARE ALL THE BEST FOODS TREIF!?

1. [יב] זאת החיה אשר תאכלו. א"ל הקדוש ברוך הוא - הזהיר ישראל שלא יאכלו דברים רעים. שלא יטעך יצרך לומר כי דברים טובים אסר הקדוש ברוך הוא לישראל! אמר הקדוש ברוך הוא - כל מה שאסרתי לך התרתי לך כנגדך. אסרתי לך את הדם, התרתי לך את הטחול ואת הכבד שכולם דם. אסרתי לך בשר חזיר, התרתי לך לשון דג ששמו שיבוטא שדומה לחזיר. אסרתי לך אשת אה, התרתי לך לאחר מיתתו, שנאמר *יבמה יבא עליה ולקחה לו לאשה*. אסרתי לך כלאים והתרתי לך סדין בציצית. אסרתי לך חלב בהמה, והתרתי לך חיה וכל כך למה? ליתן שכר טוב לישראל שמשמרין את המצות.

מדרש תנחומא (בובר) פרשת שמיני

Chazal were at pains to emphasize that keeping mitzvot does not necessarily exclude us from the physical pleasures of this world!

B] WHAT IS GELATIN?

2. Gelatin or gelatine (from Latin: gelatus meaning "stiff"¹ or "frozen") is a translucent, colorless, brittle (when dry), flavorless food ingredient that is derived from collagen obtained from various animal body parts.² It is also referred to as hydrolyzed collagen, collagen hydrolysate, gelatine hydrolysate, hydrolyzed gelatine, and collagen peptides. It is commonly used as a gelling agent in food, medications, drug and vitamin capsules, photographic films and papers, and cosmetics.

<https://en.wikipedia.org/wiki/Gelatin>

- Gelatin is usually extracted from the bone or skins of the animal. 90% of American gelatin is derived from pig skins and bones.
- It was first used in foods in medieval Britain in the 1400s when cattle hooves were boiled to make a gel. A manufacturing patent was taken out in 1754, and use increased dramatically in the France in the late 1700s when food was scarce after the French Revolution and gelatin was a cheap food substitute. It became popular in the 1800s in the US, with the development of various jelly moulds and, in 1897, the launch of Jell-O³, with its different flavors.

C] WHICH TYPES OF PRODUCTS ARE GELATIN FOUND IN?⁴

C1] P'TSCHA - CALF'S FOOT JELLY

An Ashkenazi 'delicacy'⁵!

C2] CREAMY AND JELLY DESERTS

Gelatin is a key component in a range of jelly-style confections. It is often added to yogurts, frostings, creams and ice creams to give them a thicker consistency. Pies, mousses and whipped creams can be greatly enhanced by the addition of gelatin. Gelatin can even be used to help the sprinkles to stick to cakes! It can also be added as a non-fat additive to low-fat desserts.

1. Gelatin stiffness is measured on the Bloom scale, named after Oscar T. Bloom who developed and patented the test in 1925.
2. Collagen is a fibrous, insoluble protein that makes up a major portion of bone, skin and connective tissue. Most commercial gelatin today is made from pig skins. In LeRoy, NY, which is now the home of the Jell-O Museum!
3. Much of this section was taken from an excellent OU Kosher article - What is Kosher - Gelatin Revisited, available at <https://oukosher.org/blog/consumer-kosher/gelatin-revisited/>
4. P'tscha is from the Turkish words paça çorbasi, or "leg soup"

C3] PILLS

Some people have difficulty swallowing pills and, in recent years, pharmaceutical companies have come up with creative methods of solving this problem. These include coating the outside of the pill with a thin layer of gelatin, putting a powdered medicine into a gelatin capsule, or putting a liquid medicine into a soft gel-cap. What these methods all have in common is that the gelatin acts as a buffer between the medicine and the person's throat, and helps the medicine slide down relatively easily.

C4] CANDIES

Gelatin can be added to candies and throat lozenges to make them last longer, since gelatin does not break down as quickly as sugar. It is routinely added to marshmallows to help them hold their shape when aerated.

C5] VITAMINS

Most vitamins are water soluble and can easily be put into pill-form or into foods. However, vitamins A, D, E, K and beta-carotene are generally mixed with oil, and if they were put into a pill as-is, the oil would leak into the pill and ruin it. To deal with this issue, vitamin companies have developed a method of encapsulating tiny beads of these vitamins in gelatin. The gelatin serves two roles - it protects the oil from the outside elements and protects the pill from having oil leak into it. Gelatin is sometimes also used as a protein supplement in diets.

C6] IMMOBILIZED ENZYMES

Enzymes are chemicals which are crucial in effecting changes in foods. For example, the rennin enzyme causes milk to separate thereby creating cheese. Generally, the enzyme has to be put into the food for it to have an effect, but occasionally a process uses an "immobilized" enzyme. This enzyme stays in one place, and the food passes over it, and that is enough to change the food. One example of this is the glucose isomerase enzyme which changes mildly-sweet glucose (such as corn syrup) into very-sweet, fructose (such as high fructose corn syrup). In order to make sure that the enzymes remain "immobilized" and don't get washed away into the corn syrup, the enzymes are often encapsulated in gelatin.

C7] FILTERING

Most people prefer to buy apple and grape juice which has the naturally occurring haze or cloudiness removed. One common method of doing this is to pass the juice (while hot) through a gelatin filter, where the gelatin attracts the haze particles thereby facilitating their removal, acting as a flocculate. A similar process was traditionally used for beer where small amounts of isinglass - a gelatin product made from the swim bladder of non-kosher sturgeon fish - were put into the beer to attract the haze and cause it to drop to the bottom where it can be filtered out.

D] HALACHIC ISSUES ARISING

A number of halachic questions arise from the use of gelatin in food products, including:

- Is gelatin from non-kosher animals in fact permitted?
- Is gelatin from kosher animals considered meaty?
- May fish gelatin be combined with meat products?

E] KASHRUT ISSUES REGARDING GELATIN

E1] ISSUE 1 - PRODUCTS DERIVED FROM BONES

Most gelatin is extracted from animal bones and skins. These can be from kosher species (eg cows) which have not be slaughtered properly, and are therefore prohibited on a Torah level as neveila. Often they are from non-kosher species, such as pigs.

3. שהיוצא מן הטמא - טמא, והיוצא מן הטהור - טהור

בכורות ה:

The starting position⁶ is a statement by Chazal that any product derived from a non-kosher animal will also be non-kosher.

6. For an excellent summary of the positions see Taking Medicine in A Gel-Cap by Rabbi Chaim Jachter, Journal of Halacha and Contemporary Society Number XXX, available at <https://www.koltorah.org/halachah/taking-medicine-in-a-gel-cap-by-rabbi-chaim-jachter>. Some of the material in this shiur was derived from that article.

4. מִבְּשָׂרָם לֹא תֹאכְלוּ וּבְנֵבֵילָתָם לֹא תִגְעוּ טְמֵאִים הֵם לָכֶם:

ויקרא יא:ח

The Torah prohibits eating from the flesh - basar - of a neveila.

5. (ח) מבשרם - ולא מן העצמות ולא מן הגידים ולא מן הטלפים שלהם

ספרא שמיני פרשה ב תחילת פרק ד

Chazal understand that the Torah prohibition does NOT include the non-edible parts of the animal - bones, hooves, etc, which are not prohibited as neveila.

6. האוכל מנבלה וטריפה, או מבהמה וחיה הטמאים מן העור ומן העצמות ומן הגידים ומן הקרניים ומן הטלפים אף על פי שהוא אסור ה"ז פטור, מפני שאלו אינן ראויין לאכילה ואין מצטרפין עם הבשר לכזית.

רמב"ם הלכות מאכלות אסורות פרק ז הלכה יח

Rambam rules this as halacha, excluding skins, bones, sinews, horns and hooves from the prohibition of neveila. He rules that this also applies to non-kosher species, since these parts of the animal are not edible. However he rules that these parts of the animal are still prohibited to eat, presumably on a rabbinic⁷ level.

7. יש לתמוך עכשיו היאך אנו אוכלים דבש דבורים והלא רגלי הדבורים מעורבים בדבש? ואף על גב דהוי פגם מ"מ כשרץ עלמא דאיפגם מיסתר לכ"ע! לכ"נ לר"ת דודאי רגלי הדבורים כיון דעלמות צעלמא נינהו מותרים

תוס' ע"ז סט. ד"ה ההוא

Tosafot raise the issue of bee parts which remain stuck in the honey and cannot be filtered out. How can we eat pieces of the insect!?! He is prepared to be lenient on the legs, since these are merely 'bones' which are effectively inedible. This appears to be more lenient than the Rambam's position, which is that the bones would be rabbinically prohibited.

8. היאך אנו אוכלין בדבש והלא רגלי הזבוב מעורבין בו?! והיה אר"ת אף ישאר צו רגלי הזבוב או כנפים אינו חשוב כשרץ אלא עפר צעלמא

רא"ש מסכת עבודה זרה פרק ה

So too, the Rosh rules that, far from being the bee's knees (!), the bits of insect are in fact considered to be 'mere dust'.

Does the Rambam argue with the position of Tosafot and the Rosh? According to R. Yechezkel Abramsky⁸ and R. Chaim Ozer Grodzinsky⁹ the positions may be reconciled. They suggest that all agree that hard bones are permitted, but softer bones will be prohibited rabbinically. However, R. Moshe Feinstein¹⁰ and R. Aharon Kotler¹¹ understand that the Rambam also prohibits hard bones. On that basis even gelatin made from hard bones would be a problem.

9. מתני'. אלו שעורותיהן כבשרן: עור האדם, ועור חזיר של ישוב, ר' יהודה אומר: אף עור חזיר הבר ...

חולין קכב.

Chazal explicitly rule that domesticated pig skins are considered like the flesh for the purposes of neveila.

In fact much gelatin made today is from soft pig skins. As such, gelatin from such sources would be likely prohibited on a Torah level.

But isn't the proportion of gelatin MUCH less than 1 in 60? Why is there no bitul?

10. ... אבל המעמיד בעור קיבת נבלה, וטריפה, ובהמה טמאה אוסר בכל שהוא. הגב: משום דדצר האסור צעלמו, ומעמיד, אפילו צאלף לא צטיל

שולחן ערוך יורה דעה הלכות בשר בחלב סימן פז

The Shulchan Aruch rules that a treif ingredient which acts a ma'amid (a gelling or thickening agent whose presence remains felt in the final state of the product) will always remain prohibited, even if it nullified 1 in 1000!

7. Rav Aharon Kotler (Mishnat Rabbi Aharon 1:16-17) understands that this psak applies only to bones which are inedible. However, once the product of the animal is rendered edible, he rules that it should be prohibited on a Torah level, on the basis of 'hayotzei mehatamei tamei'.

8. Published as a responsum in the introduction to Volume 4 of the Tzitz Eliezer.

9. Achiezer III:33:5

10. Igrot Moshe YD 2:27

11. Mishnat Rabbi Aharon 1:16-17

E2] ISSUE 2 - PANIM CHADASHOT

11. י"א שהמוש"ק הוא זיעת חיה. ונכון יותר שחיה ידועה היא שיש לה חטוטרת צלוארה ומתקצץ שם תחלה כעין דם ואחר כך חוזר ונעשה מוש"ק. והר"ז הלוי ז"ל היה אוסר לאכלו מפני חשש דם. וה"ר יונה ז"ל פי' דאפשר ליתן בו טעם להחיר ולומר דפירש"א צעלמא הוא, אף על פי שמתחלה היה דם לא חיישינן להכי דבתר השתא חזלינן

רא"ש מסכת ברכות פרק וילה

The mefarshim discuss the kashrut of musk, derived from deer¹². Whilst the Ba'al HaMeor prohibits it on the basis that it is based on collected blood, Rabbeinu Yonah permits it on the basis that it is now a new entity, unrelated to the blood.¹³

On that basis, some poskim sought to permit gelatin since it is a 'panim chadashot' - an entirely new product which is totally changed from the original bones and skins. Rav Chaim Ozer Grodzinsky, Rabbi Ovadia Yosef¹⁴, and Rabbi Eliezer Waldenberg¹⁵ both apply Rabbeinu Yonah's lenient psak to gelatin given its changed form.

12. דבר ברור הוא אשר הדזשעלטין הנעשה מעצמות אינו יצירה חדשה שנסתנתה מחומר הראשון אל חומר חדש לגמרי על ידי אמצעים כימיים. דזשעלטין הוא אותו חומר עצמו שישנו בעצמות בעיקרן. וכל האמצעים הכימיים שמשמשים בהם בתעשיית הדזשעלטין, אינם באים אלא להפריד שאר חמרים שישנם בעצמות מחומר הדזשעלטין

שו"ת ציץ אליעזר חלק ד תשובה בפתחה

R. Abramsky rejects the claim that gelatin is a panim chadashot. Rather, he regards it as a substance that was always there, but which has now been separated by chemical processes.

Rav Moshe also rejected the argument of Panim Chadashot on the basis that it only applies to something secreted from the animal and not part of the animal itself.

E3] ISSUE 3 - INEDIBLE FOODS WHICH BECOME EDIBLE AGAIN

13. לא תאכלו כל נבלה לגר אשר בשעריך תתננה ואכלה או מכר לנכרי ...

דברים יד:כא

The Torah tells us not to eat neveila, but rather to give or sell it to non-Jews to eat.

14. דתניא: לא תאכלו כל נבלה לגר אשר בשעריך - כל הראויה לגר קרויה נבילה, שאין ראויה לגר אינה קרויה נבלה.

עבודה זרה סז:

On that basis, Chazal define neveila as something which is edible by a person.

15. תנו רבנן: הפת שעיפשה ונפסלה מלאכול לאדם, והכלב יכול לאוכלה - מטמאה טומאת אוכלין בכביצה, ונשרפת עם הטמאה בפסח. משום רבי נתן אמרו: אינה מטמאה.

פסחים מה:

When it comes to chametz on Pesach, Chazal discuss a stricter standard - that the food must be inedible even to a dog.

16. חמץ שנתעפש קודם זמן איסורו ונפסל מאכילת הכלב, או ששרפו באש קודם זמנו ונחרך עד שאינו ראוי לכלב מותר לקיימו בפסח.

שולחן ערוך אורח חיים הלכות פסח סימן תמב סעיף ט

The halacha is that for Pesach the food will be prohibited as long as it is suitable for an animal.

17. עד שאינו ראוי לכלב - ואף על גב דבשאר איסורים כל שאינו ראוי לאכילת אדם מותר שאני חמץ שאפילו אינו ראוי לאכילת אדם ראוי לחמץ בו עיסות אחרות

ביאור הלכה סימן תמב סעיף ט ד"ה * עד שאינו

The Biur Halacha explains that since inedible chametz is still usable as leaven, the standard is stricter on Pesach. But for other foods, once it is inedible for people, it is no longer prohibited.¹⁶

12. The musk gland is either removed from a dead deer (which is neveila) or cut out of a live deer (which will be ever min hachai!).

13. See Magen Avraham 216:3.

14. Torah She-Ba'al Peh 5753 pp. 23-25.

15. In the teshuva mentioned above.

16. There is a minority opinion that with other foods the relevant standard is also 'nifsal meachilat kelev'

18. עור הקיבה - לפעמים מולחים אותו ומייבשין אותו, ונעשה כעץ, וממלאים אותו חלב - מותר. דמאחר שנתייבש הוא כעץ בעלמא ואין בו לחוחית זש"ר (ז"י זש"ר שזולי לקט).

שולחן ערוך יורה דעה הלכות בשר בחלב סימן פז סעיף י

The Rema rules in Shulchan Aruch that there was a practice to dry out and salt a cow's stomach and then put milk in it. This is not a halachic problem since the stomach is inedible 'like wood' and does not have the status of food.

19. אצל בארלות האלו שהכרכום הוא יבש כעץ אם כן אפילו ימלא חוט זש"ר יבש לית לן זב. וכמו שנבאר לעיל סי' פ"ז סוף סעיף י' זב"ג"ה גבי עור הקיבה שנתייבש כעץ צענין דלית זב לחוחית שרי.

ש"ך יורה דעה סימן קיד ס"ק כא

The Shach applied this principle to permit saffron produced by non-Jews, which occasionally had strips of dried treif meat added. Since the spice was totally dried out and inedible, the meat was halachically irrelevant.

20. ואף דיש ג"כ לפעמים כרכום רטוב ולא זהו מחמת שהיה מונח במקומות הקרים ורטובים ואפשר מתחלה היה יבש כעץ

ש"ך יורה דעה סימן קיד ס"ק כא

Even if some of the saffron was found to be moist and edible, the Shach still permits this¹⁷ on the basis that it WAS inedible and, even if it became edible again, this did not 'revive' the prohibition.

21. (כ) עיין בתשובת תפארת לצי (ה"ד סימן ע"ג) שכתב בתולעים אדומים שמייבשים אותם ולוצעים זבם משקה יי"ש דמותר ג"כ מטעם זכ.

פתחי תשובה יורה דעה סימן פז

Other 19C commentaries apply the same ruling to dried insects¹⁸ which are used to create red food coloring.

In the 19th Century a lenient approach to inedible treif food which became edible again (usually by rehydration) was also taken by:

- The Nodeh BeYehuda¹⁹
- The Aruch Hashulchan

22. כתב בסעיף י' דעור הקיבה לפעמים מולחים אותו ומיבשים אותו ונעשה כעץ וממלאים אותו חלב מותר. דמאחר שנתייבש הוא כעץ בעלמא ואין בו לחוחית בשר עכ"ל. וה"ה שאר בני מעיים כשמיבשים אותם עד שנעשים כעץ ויש מתירים גם בבשר יבש כעץ ואף אם אח"כ מבשלין אותו או שורין במים מעת לעת מותר

ערוך השולחן יורה דעה סימן פז סעיף מג

The Aruch Hashulchan permits rehydrated dried (and inedible) treif products.

However, a strict approach on this question²⁰ was taken by:

- The Pri Megadim²¹
- The Chatam Sofer

23. ... הנה אין נראה להמציא היתר מפני שהעור כבר נעשה יבש כעץ שאני התם שעומדת כך ביובשתו משא"כ הכא שחוזרת ומתרככת ע"י המשקין ודינו כבשר ממש וזה פשוט לפענ"ד ...

שו"ת חתם סופר חלק ב (יורה דעה) סימן פא

The Chatam Sofer considers it obvious that once treif food powder is rehydrated, it becomes prohibited like the original meat!

17. Although in practice the Shach recommends finding sources of saffron which did not have meat added, so as not to rely on this leniency.

18. For instance carmine which is derived from insects and used to produce cochineal. Most kashrut authorities rules that cochineal food coloring is NOT kosher. Synthetic alternatives are available.

19. YD 26, which deals with a drink in which dried-out parts of a non-kosher fish were placed to settle the sediments - a precursor of the filtering used of gelatin today - see above. Even though water was later added, he permits the drink.

20. Some poskim draw a distinction between treif food that became inedible through disintegration and dehydration, which could be permitted even if rehydrated, and food which became inedible due to the addition of other bitter ingredients. In the later case, if the bitter items are later neutralized and the food becomes edible again, its treif status will revive.

21. YD Siftei Daat 83:33

In the 20th Century the major poskim²² disagreed on this issue:

Lenient²³ Positions which permit gelatin:

R' Chaim Ozer Grodzinsky²⁴
R. Zvi Pesach Frank²⁵
R' Ovadia Yosef²⁶
R' Eliezer Waldenberg

Strict Positions which prohibit gelatin:

R' Aharon Kotler²⁷

Intermediate Positions:

R. Moshe Feinstein²⁸ rules that the matter is in doubt and therefore assur.
R. Yosef Henkin²⁹ rules leniently only in the case of gelatin from hard bones³⁰.

E4] ISSUE 4 - ACHSHEVEI

24. אמר רב מרי: אף אגן נמי תנינא: קונם אשתי נהנית לי אם אכלתי היום, ואכל נבילות וטרופות שקצים ורמשים - הרי אשתו אסורה לו. כיון דמעיקרא אכל והדר אשתבע ליה חשובי אחשביה (רש"י - זאכילתו וגילה על עלמו שאינו קץ זכין) שבועות כד.

Chazal rule a concept of 'achshevei'. If a person chooses to eat something which is otherwise inedible, they demonstrate by that choice that they give the item importance and effectively elevated to the status of 'food'.

25. חמץ שנתעפש קודם זמן איסורו ונפסל מאכילת הכלב או ששרפו באש קודם זמנו ונחרך עד שאינו ראוי לכלב ... מותר לקיימו בפסח.

שולחן ערוך אורח חיים הלכות פסח סימן תמב סעיף ט

26. (מג) מותר לקיימו בפסח - וה"ה דמותר בהנאה אבל זאכילת חסור מדרבנן עד אחר הפסח. ואף על גב דאכילה שאינה ראויה היא דהא נפסל לכל, מ"מ כיון שהוא רגיל לאכול חסור דהא אחשביה. ודוקא בזב דחשביה אבל אם נפל ממילא חמץ זה שנפסל מאכילת כלב לתוך המאכל אפילו רק צרובו אין לאסור לאכול אותו המאכל דהא חמץ זה הוא כעפרה בעלמא.

משנה ברורה סימן תמב ס"ק מג

This concept is ruled in hilchot Pesach. If totally inedible (even by an animal) chametz falls accidentally into food on Pesach it is permitted. However, to intentionally eat such inedible chametz is prohibited rabbinically due to Achshevei.

R. Aharon Kotler understood that Achshevei applies to gelatin, even if it inedible. R. Zvi Pesach Frank and R. Chaim Ozer reject that on the basis that Achshevei only applies to consumption of a pure treif product and does not apply if the product is in a mixture with other permissible items.³¹

E5] ISSUE 5 - GELATIN AS A FACILITATOR - ANALOGY TO YEAST

R. Aharon Kotler raises another reason to prohibit gelatin, which rests on an analogy to yeast. Even though yeast is totally inedible (even to a dog³²) it is still prohibited on Pesach since it can impact positively upon and improve other food.

22. The she'elah was asked in the 1960 by the proposed manufacturer of kosher marshmallows. The Rav hamachshir of the company, R. Nachum Zvi Kornmehl put the she'elah to R. Aharon Kotler, R. Moshe Feinstein and R. Yosef Eliyahu Henkin. All three were in practice machmir and did not permit regular gelatin, but for different reasons.
23. Some poskim also point out that the gelatin is less than a 60th and should be batel. This is not so simple though, as the question of bitul issur lechatchila must also be addressed. R. Akiva Eiger (207) rules that there is no prohibition of mevatlin issur lechatchila with rabbinically prohibited foods. The issue of ma'amid is dealt with above. Another issue which applies in practice is the method of mixing the gelatin which can cause halachic concerns. When gelatin is mixed into yogurt, a large amount of gelatin is initially mixed with a small amount of milk (the ratio can be 1:5 at first!). This mixture is then diluted with more milk until the final ration is 1:500. This raises halachic questions of 'chanan' - chaticha na'aseit neveila - where the initial mixture in which the gelatin is NOT batel may become entirely treif and require sixty times its entire volume to effect bitul.
24. Achiezer 2:11 and 3:33:5.
25. Har Tzvi YD 83. He is lenient on gelatin which is totally inedible (to a dog) but less certain of the grounds to be lenient with gelatin that was only ever unfit for people.
26. Torah Shebe'al Peh 5753 pp 21-33
27. Mishnat Rabbi Aharon 1:17
28. Igrot Moshe YD 1:37 and 2:27
29. Edut LeYisrael pp 176-177
30. Although he questions whether gelatin is in fact usually derived from hard bones. He also urges people to support 'kosher gelatin' options wherever possible.
31. They bring the example of the bee parts in honey as a proof. There is no concern of Achshevei there since they are in a mixture. R. Kotler rejects this and understands that Achshevei DOES apply to mixtures. The case of the bee parts is different since they were not mixed intentionally. Where a mixture is created intentionally, he rules strictly.
32. On the definition of 'nifsal meachilat kelev' there are different approaches. Rav Nevensahl ruled in the name of Rav Shlomo Zalman Auerbach that soap requires a hechsher for Pesach since a normal dog would eat soap. Only 'spoil dogs' used to eating commercial dog food will reject it! (See <https://www.toraland.org.il/media/273100/emunattahapuhotzman.pdf> note 73). Rav Soloveitchik is reported to have taken a very different approach. In a well-known anecdote from the Rav's shiur at YU in the 1970's (reported by Rav Yosef Adler and many others), the Rav stated that toothpaste is unfit for canine consumption and one is permitted to consume it on Pesach even if it contains chametz. The next day a student raised his hand and explained that he conducted an "experiment" the night before and his dog ate the toothpaste! Rav Soloveitchik simply responded, "Your dog is crazy." The halachic standard of edible by a dog is nothing to do with what dogs actually eat. It is about how people relate to the item. If they relate to it as animal food, then it is still halachically considered to be food. See

Since this is its purpose, it will remain prohibited. So too gelatin will be prohibited, even if it inedible, since its purpose is to enhance other food. Others argue that the analogy is inaccurate since that is the entire purpose of yeast, but gelatin is merely a side-product which has some positive qualities as an enhancer.

E6] ISSUE 6 - POLICY CONSIDERATIONS

27. הלא הדזשעלטין היה מקובל עד עתה בפי כל כדבר האסור יען וביען שהדבר היה גלוי וידוע, שבעיקרו הוא בא מעצמות נבלה וטרפה. ומחסרון ידיעה יש שהוסיפו עוד ואמרו שעצם החומר של הדזשעלטין הוא בשר המח שבעצמות. ואין זה פחד שוא אם נחשוש שהוראת היתר בדזשעלטין תחזק את הדעה המשובשת הנפוצה כל כך בדורנו בזדון ובשגגה שהאיסור וההיתר הוא בידי הרבנים כחומר ביד היוצר. ועל כגון זה נאמר ביומא (מ.) אל תתנו מקום לצדוקים לרדות, שיאמרו לפי רצונם הם עושים הכל (רש"י שם). ומהא שמעינן שאפילו דברים המותרים כגון אלו וכדומה להן המסורין לעם הארץ, אין אדם רשאי להורות להן להיתר אלא יחמיר עליהן לאיסור. יחזקאל אברמסקי.

שו"ת ציץ אליעזר חלק ד תשובה בפתיחה

Rav Abramsky ruled (in 1951) that EVEN if there were grounds to be lenient on gelatin³³, one must still rule that it was prohibited. He decries the lack of education and negative attitude of the average Jew of his day, who felt that Rabbis simply made things up anyway. To reverse the halachic position on gelatin (which everyone understood to be clearly treif) and permit it would simply provide fuel to the ignorant (and arrogant) position that 'where there is a rabbinic will, there is a halachic way'³⁴.

E7] CONTEMPORARY POSITIONS

The mainstream psak³⁵ by almost all poskim in the United States has been to prohibit gelatin and almost all kashrut authorities in the US do NOT permit gelatin from non-kosher sources.

The psak of the Rabbanut of Israel was historically to be lenient and the regular rabbanut hechsher used to permit standard gelatin from non-kosher bones in some products, which were labeled - 'מכיל ג'לטין מן החי'. However, the regular Rabbanut hechsher no longer approves the use of gelatin from non-kosher sources.³⁶ Mehadrin hechsherim in Israel have never permitted the use of gelatin from non-kosher sources.

The historical leniency of the Rabbanut would in any event be less justifiable today since (i) most gelatin today is not made from hard bones³⁷ but from soft bones or skins and (ii) gelatin is not always rendered fully inedible in the process of manufacture.

F] GEL CAP MEDICATION

28. י"א דכל איסורי הנאה מדרבנן יד מותר להתרפאות בהן אפילו חולה שאין בו סכנה. ובלבד שלא יאכל וישתה באיסור, הואיל ואין בו סכנה ואין מתירין שום דבר איסור לחולה אם יוכל לעשות הרפואה בהיתר כמו באיסור אף על פי שריך לשהות קצת קודם שימלא בהיתר, מאחר שאין סכנה בדבר

רמ"א שולחן ערוך יורה דעה הלכות עבודת כוכבים סימן קנה סעיף ג

The general halachic position on medication is that a choleh who has a real illness (but where there is no threat to life) may not eat non-kosher products (even rabbinic issurim) if there is a permitted alternative.

• The halachic position for medication which contains gelatin will be significantly more lenient since almost all poskim³⁸ rule that Achshevei does NOT apply to medication, since one is not 'eating' it or relating to it as 'food', and the gel cap is tasteless.

<https://www.koltorah.org/halachah/cosmetics-and-toiletries-for-pesach-part-three-by-rabbi-chaim-jachter>

33. He is open on purely kashrut grounds to the more lenient approaches to gelatin.

34. To use an (in)famous phrase coined much later by Blu Greenberg.

35. Rav Yitzchak Weiss expresses this in Minchat Yitzchak 5:5 as גדולי התורה של ובנין של ג'לטין לאיסור עפ"י דעת רוב מנין ובנין של גדולי התורה

36. This was communicated to me this week by Rabbi Zev Weitman, the Rav hamachshir of Tnuva. However, there seem to be conflicting accounts on this issue and more research is required.

37. An article on the website kosharot claims that 44% of commercial gelatin is made from pig skins, 28% from neveila/treifa cow skins, and 27% from treif bones (most of which are NOT completely dry). 1% comes from fish and kosher animals. See <https://www.kosharot.co.il/index2.php?id=60085&lang=HEB>

38. See Igrot Moshe OC 2:92; Chazon Ish OC 116:8; Tzitz Eliezer 6:16, 7:32:8, 10:25:20; Yechaveh Daat 2:60; Minchat Shlomo 17. Rabbi Jachter in his article reports that this is also the position of R. Herschel Schachter in the name of Rav Soloveitchik. Rav Schachter rules that one may take gel-cap medication even for a minor ailment, but should first make reasonable efforts to find an alternative which is effective. As such, if the alternative medication is not reasonably available or significantly less effective for the ailment, gel cap medication is permitted. Even according to the view of R. Shlomo Zalman Auerbach that no leniency in kashrut would normally be permitted for a 'michush b'alma' - a minor complaint, the position with gel caps could still be more lenient. Since Rav Moshe prohibits gelatin as a safek, gel caps would be a sfeik sfeika - a double safek: (i) perhaps gelatin is not prohibited; (ii) even if it is prohibited, perhaps it would be permitted as medication. According to Rav Aharon Kotler however, who prohibits gelatin outright, the double safek would not exist.

G] KOSHER MEAT GELATIN

- Gelatin can be obtained from kosher animal bones and skins, although due to limited supply, this will be much more expensive³⁹. In practice it is rare⁴⁰. One such product is called Kolatin.
- Most poskim rules that such gelatin would be parev⁴¹ and could be used with milk products. Others rule⁴² that the product is initially meaty but can be nullified in a parev product rendering the mixture parev.

H] FISH GELATIN

- For many products, fish gelatin is a poor substitute⁴³ and was is rarely used⁴⁴. However, production techniques have now improved and fish gelatin is more effective.
- Gelatin taken from the skin and bones of any kosher fish will be kosher.
- Care must however be taken that the skins are not from non-kosher fish.⁴⁵
- As to the issue of eating fish and meat together (which Chazal understood to be a health concern), most poskim are lenient with fish gelatin for a number of reasons:
 - the fish content is batel beshishim⁴⁶.
 - the gelatin is inedible.
 - the health issues flagged by Chazal may not be as much of an issue now.
 - even if there are still health issues today, they may only apply to the flesh and may not apply to a substance that does not have a fish taste.
- The same considerations would apply to the use of kosher meat gelatin with fish.

39. There are a number of factors which make kosher meat gelatin much more expensive: (i) Some hides would be from treifot, which could not be used. (ii) The usable hides would have to be kashered in the normal manner to remove blood before processing. (iii) Most good quality hides are normally sold for other more profitable uses and regular gelatin is usually made from hide scraps. (iv) All equipment in a kosher gelatin run must be fully kashered following any non-kosher production.

40. Another issue is whether gelatin from hides from animals which are kosher, but not glatt, can be certified with a mehadrin hechsher. Many kashrut authorities are lenient on this.

41. Igrot Moshe, YD I:37 and II:27.

42. Rav Aharon Kotler - Mishnat Rabbi Aharon 1:16

43. Although the gel in home-made gefilte fish is testimony to its gelling properties. Commercially made gefilte fish usually uses other gelling substitutes.

44. There are also vegetarian gelatin substitutes such as agar agar (from the red algae gelidium comeum) and carrageenan (a purple seaweed). Other vegetable gums can also sometimes be used, such as guar (a legume from India), carob, gum arabic (from the sap of African acacia trees), traacanth (from the sap of the Asian astragalus shrub) and karaya (from the Indian sterculia tree). Xanthan gum is a common substitute which is actually not of vegetable origin. It is produced by microbial fermentation of a carbohydrate with the xanthomonas campestris organism.

45. In practice, not every fish skin must be checked since the final product is highly processed and any non-kosher derivatives will be batel in the overwhelming majority of kosher skins.

46. Although there is a discussion as to whether bitul beshishim applies with health concerns in the same way as with kashrut concerns. Some poskim are more machmir with potential health issues.