

Rabbi Sholem Fishbane

Executive Director

E-mail: fishbane@akokosher.org

www.akokosher.org

בס"ד

Whisky Alert ***Questions and Answers***

June 16, 2010

The AKO Executive Committee has reason to believe that there are large liquor companies in the United States which may be owned in whole or part by Jews. We are concerned that such companies may not have arranged for the sale of their *chametz* (*mechiras chametz*) during *Pesach*. These companies primarily manufacture bourbon, cordials, and American whiskey, and also deal in a small amount of Scotch and vodka.

Chametz-containing liquors owned, produced and/or aged by Jewish-owned companies over *Pesach* are forbidden as *chametz she'avar alav haPesach*.

Since many liquor products are aged for many years before they are sold to the public, it cannot be assumed that these beverages are acceptable for kosher use even if they are purchased a long time before or after *Pesach*.

Accordingly, we recommend that *Kashrus* Agencies and consumers change their policies and only consume those alcoholic beverages which [are free of standard kosher concerns and] are known to (a) be produced by a non-Jewish company or a Jewish-owned company which arranged for the sale of their *chametz*, (b) not contain any *chametz*, including not having *chametz* secondary grains or malted barley (bourbon and cordials are examples of items that may have these forbidden items), and/or (c) were not aged over *Pesach* (e.g. vodka).

The following are some brands which we believe to be subject to the above concern:

SEE FOLLOWING PAGES FOR FURTHER DETAILS

1792 Ridgemont	Elmer T Lee	Old Charter
51 Ice	Experimental Collection	Old Thompson
99 Schnapps	Fireball	Old Van Winkle
A. Smith Bowman	Fleishmann's	Pappy Van Winkle
Absinthe	Hancock's Presidents Reserve	Peychaud's
Ancient Age	Herbsaint	Regan's
Antique Collection	Highland Mist	Rich & Rare
Barton	House of Stuart	Rock Hill Farms
Blanton's	Imperial	Royal Canadian
Bowman	Inver House	Sazerac Rye
Buffalo Trace	James Foxe	Ten High
Canadian Host	Kentucky Gentleman	Terra Brasilis
Canadian Hunter	Kentucky Tavern	Tom Moore
Canadian LTD	Lauder's	Van Winkle
Canadian Supreme	McAfee's Benchmark	Very Old Barton
Colonel Lee	Mix 51	Virginia Gentleman
Dr McGillicuddy's	Mr. Boston	W L Weller
Eagle Rare	Northern Light	

Consumers who already own one of these liquors are encouraged to ask their personal Rabbi whether returning the bottles to the store is considered to be having *hana'ah* (benefit) from *chametz she'avar alav haPesach*. Lastly, we note that this notification does not cover the serious question of the status of whisky (or other *chametz*) owned on *Pesach* by a Jewish distributor who does or does not arrange for the sale of his *chametz*; consumers are once again encouraged to discuss this question with their personal Rabbi.

Rabbi Sholem Fishbane

Executive Director

E-mail: fishbane@akokosher.org

www.akokosher.org

בס"ד

On May 6th AKO released an alert regarding whisky which has led to a considerable number of questions from consumers. This document will address the most common of those questions.

1. The alert was on AKO stationery and quoted the "AKO Executive Committee". Pardon my ignorance, but who are these people?

AKO has been the umbrella group for national and community *hashgachos* in North America and beyond for the past 25 years. It currently has approximately 80 members and the Executive Committee is comprised of the administrators of the larger of those *hashgachos* including (alphabetically) cRc (Chicago), CRC/*Hisachdus* (Brooklyn), COR, Heart-K, Kof-K, MK, OK, OU, and Star-K.

2. I checked your list and think that it is missing some brands owned by the same companies, or you list brands that I think are owned by others. Are you sure your information is accurate?

We spent much time doing our due diligence in investigating the multiple layers of the companies involved, but of course it is always possible that we missed a few. If you have a specific example, please bring it to our attention and we'll do our best to check into it.

Please note that our list does not include items which are merely distributed by the companies in question nor does it include any items (e.g. brandy, liqueurs) which we have always recommended as requiring a *hashgachah*.

3. The alert lists many brands. Is everything produced by these companies not recommended?

Not at all. As noted in the alert, some products are produced from 100% non-*chametz* or are not aged, and do not pose a concern of *chametz she'avar alav haPesach*.

It is worth noting that although Bourbon must legally contain at least 50% corn-based alcohol, it commonly contains *chametz* as (a) a secondary grain-source which may be 20-40% of the product, (b) malted barley used to breakdown the starches into fermentable sugar, and/or (c) backset from *chametz* fermentations. The simple understanding is that the presence of any of these forms of *chametz* would be enough to render the Bourbon *chametz she'avar alav haPesach* (see *Mishnah Berurah* 442:27 & 447:105), but people with specific questions are encouraged to consult with their local Rabbi for direction.

4. The alert states a number of facts such as that a Jew owns these companies and never performed *mechiras chametz*. Are you sure that the facts are true?

The AKO Executive Committee and at least 7 *Poskim* associated with national *hashgachos* had numerous discussions before releasing this alert, and were convinced that there is no *safek* (*halachic* doubt) as to the facts.

Rabbi Sholem Fishbane

Executive Director

E-mail: fishbane@akokosher.org

www.akokosher.org

בס"ד

5. Are there not numerous halachic reasons to permit whisky owned by a Jewish company over *Pesach*?

The aforementioned group of Administrators and *Poskim* considered many possible reasons to be lenient including the owner's possible *mumar* status, that whisky is produced via distillation (*zei'ah*), and the corporate structure of the ownership. This group unanimously decided to publicize the alert, as none of the aforementioned reasons justified allowing a Jew to purchase these alcoholic beverages.

6. What if I already own a bottle of one of the listed liquors? Do I have to throw it out like other *chametz she'avar alav haPesach*?

Although all of the aforementioned *Poskim* recommended that a Jew not purchase these beverages in the future, some of them were willing to consider reasons to be lenient in specific situations for people who own considerable amounts of the affected whisky and/or would like to return unopened bottles to the store where they bought it. People with these types of questions are encouraged to consult with their local Rabbi who will direct them. [AKO is considering preparing some halachic literature for Rabbis to assist them in dealing with the complexities of the aforementioned *shailos*.]

However, it may be helpful for consumers to know that we believe that these companies were not always Jewish owned. Accordingly:

- Any products listed on the original alert which were purchased by a consumer before *Pesach* 1992/5752 (and then sold via a personal *mechiras chametz* for the subsequent *Pesach* holidays), are recommended.
- Any products listed on the following list which were purchased by a consumer before *Pesach* 2009/5769 (and then sold via a personal *mechiras chametz* for the subsequent *Pesach* holidays), are recommended. Those marked with a star (*) are recommended if they were purchased before *Pesach* 2003/5763:

1792 Ridgemont	Highland Mist	Old Thompson
99 Schnapps	House of Stuart	Old Van Winkle*
Barton	Imperial	Pappy Van Winkle*
Canadian Host	Inver House	Ten High
Canadian LTD	Kentucky Gentleman	Tom Moore
Canadian Supreme	Kentucky Tavern	Van Winkle*
Colonel Lee	Lauder's	Very Old Barton
Fleischmann's	Mr. Boston	
	Northern Light	

For updated information or questions regarding this notification, please email AKO at liquor@akokosher.org.