Non-Jewish Cleaning Help in Halachah
Select Halachos
Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former chaver kollel of Yeshiva Torah Vodaath and a musmach of Harav Yisroel Belsky Shlita. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

Each issue reviews a different area of contemporary halacha with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant shittos on each topic, as well as the psak of Harav Yisroel Belsky, Shlita on current issues.

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Non-Jewish Cleaning Help in Halachah
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Many people employ non-Jewish domestic help, and many halachic issues arise regarding this. We will deal with select areas, as this matter is a very large issue. It is beyond the scope of this article to discuss a live-in maid as it relates to Shabbos.

**Davening in Front of a Religious Symbol**
It is forbidden to bow during *Shemoneh Esrei* towards a religious symbol, so one must be aware of the presence of the cleaning help if he *davens* at home.¹

**Checking Vegetables**
It is routine to ask the cleaning help to help in the preparation of foods, especially before Yom Tov. Checking vegetables for insects can be a long and bothersome task. However, a non-Jew cannot be trusted to check vegetables.²

**Leaving a Non-Jewish Woman Alone in Your Home – Leaving Pots Unwatched**
Although Jews have employed non-Jewish domestic help

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¹ *Shulchan Aruch O.C.* 113:8. Refer to *Kaf Hachaim* 25.

² Refer to *Shulchan Aruch Y.D.* 16:11, 316:1, see *Meshares B’beis Yisrael* page 29:footnote 17.
for centuries, today’s lifestyle creates numerous challenges. Jewish women used to stay at home. Today, many of them work, and are out of the home for the better part of the day. This raises halachic concerns of leaving a non-Jewish cleaning woman in the home all day with the pots and pans. The halachah is clear that one is not allowed to leave a non-Jew alone in his home because the non-Jew may cook non-kosher products in the kosher utensils. If the non-Jew had access to the utensils, one would have to wait twenty-four hours before using them. Others are not concerned, since our utensils are placed in cabinets in an orderly fashion, and it would be obvious if the pots were used.

Regarding food that is cooking on the fire, the halachah states that if one is not “going and coming” (yotzei v’nichnas) from his home then he should not leave it alone with the non-Jew. The concern is that the non-Jew will add some non-kosher ingredients to the dish in order to improve its taste.

If the Jew serves lunch to the non-Jew, then there is no concern of a non-Jew using the pots.

It is a good idea to be present when the non-Jew washes the dishes in order to make sure that she does not mix the meat and dairy together in the same sink (or use the same sponge for both).

Some poskim say that if the non-Jew has cooking

3 Shulchan Aruch Y.D. 122:9, see Igros Moshe Y.D. 1:61.
4 Rama ibid.
5 Shevet Hakehasi ibid.
6 Rama 118:12, Chachmas Adam 70:9. This is even permitted Ichatchilah (Aruch Hashulchan 35). Refer to Shach 37.
8 Shach 37, see Cheskas Binyamin 116.
10 Shevet Hakehasi ibid.
responsibilities in the home, then one must lock up the dishes if she is left alone in the home.\textsuperscript{11}

In a situation where one does not have any dairy products in the home that the cleaning lady might cook with her meat, then he does not have to be concerned about leaving the pots.\textsuperscript{12}

**Leaving a Non-Jew Alone in One’s Home**

All too often, both spouses work all day, and have the practice of leaving a cleaning lady or a repairman alone in the home. There is a possibility that the non-Jewish worker will take a kosher product in the home and switch it for a non-kosher food. Is this a real concern? If so, what are the ways to avoid this?

*“Yotzei V’nichnas” (Going and Coming)*

One option to allow a non-Jew to remain alone in the home (or store)\textsuperscript{13} is to “go and come” from the home; this is known in halachah as *yotzei v’nichnas*.\textsuperscript{14} This is permitted even *l’chatchilah*.\textsuperscript{15} Even a child may be used for the purpose,\textsuperscript{16} provided that he is old enough that the non-Jew is afraid to tamper with anything in his presence. Nine years old is sufficient.\textsuperscript{17}

This option applies even if the owner stays away for an extended period of time, as long as the worker is not aware


\textsuperscript{12} *Meshares B’beis Yisrael* pages 24-25:footnote 4.

\textsuperscript{13} *Maseches Avodah Zarah* 69b, *Chelkas Binyamin* 118:95.

\textsuperscript{14} *Shulchan Aruch* Y.D. 118:10.

\textsuperscript{15} *Shach* 32, *Chachmas Adam* 70:9, *Aruch Hashulchan* 29, *Kaf Hachaim* 102. Refer to *Chelkas Binyamin* 118 biurim “v’im.”


\textsuperscript{17} *Kaf Hachaim* 103, *Chelkas Binyamin* 118:97:footnote 213. Some add that the child has to be sharp (*Chachmas Adam* 67:4).
of the owner’s schedule. The worker is afraid to make an exchange, as he is concerned that the owner might return at any moment and catch him in the act. If you tell your worker, “I will be back in a number of hours,” then it is prohibited to leave a non-Jewish worker in the home, since the worker knows when the owner is returning and might switch the food. However, as mentioned below, if one is not concerned that the worker has any benefit from switching the food, it is permitted to leave the worker alone.

This option does not apply if the worker can lock the door, since he has no concern of being caught. If the Jew has a key, then the non-Jew may be left alone since the Jew can enter the home. If the non-Jew does not realize that the owner left then it is permitted, since he does not realize that he is alone in the home. In any case, if the non-Jew shows signs of not being afraid of you (i.e. does not listen to you), then he cannot be trusted alone in the home. If a security camera is installed in the home and the non-Jew knows you can look at it at any time, then he may be left alone in the home.

What Constitutes Yotzei V’nichnas L’chatchilah

The l’chatchilah situation to leave a non-Jew in the home or store is when the Jew will be returning within eighteen minutes.

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18 Shulchan Aruch ibid.
20 Chelkas Binyamin 118:105.
21 Shulchan Aruch ibid, see Shach 34. Refer to Chelkas Binyamin 118:100.
22 Chelkas Binyamin 118:100.
23 Aruch Hashulchan 29.
24 Chelkas Binyamin 118:99. Refer to Darchei Teshuvah 75.
25 Chelkas Binyamin 118:100.
26 Refer to Gra Y.D. 129:2, Chelkas Binyamin 118:95. Some say even a longer period of time (Kaf
**Good Practice**

To avoid problems of a non-Jewish worker using your pots, she should be instructed from the onset that non-kosher food may not be brought into your home.\(^{27}\)

Some suggest placing a camera in the kitchen where one can tell if she used your kitchen to cook.\(^{28}\)

**Bishul Akum**

Food that was cooked by a non-Jew is forbidden, even if the ingredients are kosher (*bishul akum*). However, this is only true if it is inedible raw and it is a dish that would be served on a king's table.\(^{29}\) The reason for this decree is to avoid socializing with non-Jews, which might lead to intermarriage.

An interesting question arises in regard to a microwave oven and how it relates to *bishul akum*.

If a microwave oven is just used to warm up food, then there is no concern of *bishul akum*.\(^{30}\) The question arises concerning cooking food in a microwave oven, as it does not use heat to cook the food. The consensus of the *poskim* is to be stringent. Since a microwave can be used to cook food, it is comparable to a regular oven.\(^{31}\)

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\(^{27}\) See *Shulchan Aruch Y.D.* 118:10.

\(^{28}\) *Meshares B’beis Yisrael* page 29.

\(^{29}\) *Shulchan Aruch Y.D.* 113:1.

\(^{30}\) On the topic of microwaves see *Techumin* 8:pages 21-36.


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Hachaim 105). Refer to Chelkas Binyamin 118 biurim “aval” page 224 if there is a fear that a Jew is sleeping in the house.

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**NOTE:**

1. *Rivevos Ephraim* 8:511:1 (answer) where he says he thinks it is permitted but he never ate a food that a non-Jew cooked in a microwave oven. Refer to *Hechosheiros K’halachah.*
Many times a non-Jewish woman is left at home and it is possible that she may cook food for the children.\textsuperscript{32} Parenthetically, it is not a good idea to leave a non-Jew at home without anyone entering from time to time,\textsuperscript{33} since they may prepare non-kosher in your home.\textsuperscript{34}

Some say that if a non-Jewish maid cooks in a Jew’s house then the concern of intermarriage is diminished and the cooking is permitted,\textsuperscript{35} while others forbid the food even \textit{bedi’eved}.\textsuperscript{36} If the non-Jew is hired by the Jew\textsuperscript{37} (and all the actions are dictated by the Jew),\textsuperscript{38} there are grounds to be lenient. Although some say this is only \textit{bedi’eved},\textsuperscript{39} we can rely on the lenient opinion in regard to this issue since we pages 382-383 which brings those who are lenient. Also see \textit{Lehoros Nisson} 7:64 which is lenient, \textit{Noam Halachah} page 208 in depth, and \textit{Vayevarech Dovid} 1:95 in depth which brings proofs to be lenient. Refer to \textit{Chelkas Binyamin} 113:126. The opinion of Harav Shmuel Felder \textit{shlit”a} was to be lenient, but when he saw that many gedolim were stringent, he too decided to be stringent (tape on \textit{bishul akum}). Harav Willig \textit{shlit”a} is lenient (as related by Rabbi Ari Senter \textit{shlit”a}). Harav Heinemann \textit{shlit”a} is lenient (Star-K article entitled “Food Fit for a King” page 2). Refer to \textit{Igros Moshe} O.C. 3:52, \textit{Nishmas Shabbos} 318:79, and \textit{Shulchan Shlomo Shabbos} 328:footnote 52 in regard to hilchos Shabbos.

\textsuperscript{32} If the non-Jewish worker cooks for him/herself the food is forbidden (\textit{Shach} 113:20, \textit{Darchei Teshuvah} 40, see \textit{Chelkas Binyamin} 113:36).

\textsuperscript{33} \textit{Rama} Y.D. 118:12, \textit{Bach} 113, \textit{Darchei Teshuvah} 38.


\textsuperscript{35} \textit{Tosafos Maseches Avodah Zarah} 38a “ela,” \textit{Issur V’heter} 43:13, \textit{Shulchan Aruch} Y.D. 113:4. Refer to \textit{Chelkas Binyamin} \textit{biurim} “u’bedi’eved” pages 77-78 if this would apply to a Jewish-owned factory with non-Jewish workers.

\textsuperscript{36} \textit{Ritva} Maseches Avodah Zarah 38a, \textit{Beis Yosef} 113, \textit{Shulchan Aruch} Y.D. 113:4, \textit{Gra} 10. Refer to Rashba in \textit{Mishmeres Habayis} 3:7 why this is assur according to the stringent opinion. See \textit{Rivevos Ephraim} 2:index to 158:page 389.

\textsuperscript{37} \textit{Rama} Y.D. 113:4. The \textit{Even Hapinah} 1:99 suggests that the Jew should light a fire and the non-Jew should light from there any fire he wishes. The reason why a hired worker is not a problem of \textit{bishul akum} is because he is not making the food for us because he \textit{wants} to, but because he \textit{has} to, therefore there is no concern of closeness (\textit{Rashba} 1:68).

\textsuperscript{38} \textit{Bedek Habayis} 3:7:page 209 (new), \textit{Meiri Maseches Avodah Zarah} 38a, \textit{Bach}, \textit{Levush} 1, \textit{Shach} 113:7, \textit{Taz} 7, \textit{Pri Chadash} 113:9, \textit{Kaf HaChaim} 34. Refer to \textit{Pischei Halachah} (Kashrus) page 43:footnote 34 which says maybe a maid can be permitted since she is not doing work for herself.

can assume that the Jew will ultimately do something to adjust the fire (this relaxes the problem of bishul akum).\textsuperscript{40} In addition, we can also apply the opinion that in a Jew’s home there is no concern of intermarriage.\textsuperscript{41} Although we do not follow this opinion as halachah l’ma‘aseh,\textsuperscript{42} we can use it as a sniff (additional point to give a heter).

**Halachic Status of Today’s Workers**

With modern work rules, the domestic cannot be defined as dictated by the Jew, since the worker can quit at any time, and only works for us for a short part of the day.\textsuperscript{43} In addition, our modern ovens need little adjusting, and the chance that the Jew will adjust the fire is minimal.\textsuperscript{44} However, in pressing situations or in a situation of a great loss, one can be lenient bedi’eved.\textsuperscript{45} Another possible option is to set the oven on a timer and let the non-Jew put the food in the oven. This is permitted since the Jew “turned on the fire.”\textsuperscript{46}

**Old or Sick Person**

Elderly and ill people hire help for household chores and food preparation.\textsuperscript{47} The opinion of the poskim is that just as a

\textsuperscript{40} Rama ibid, Levush 113:1, Pri Chadash 113:10, Kitzur Shulchan Aruch 38:7, Yabia Omer Y.D. 9:6. Refer to Shevet Hakehasi 6:281. The Shulchan Aruch Hamekatzar 4:page 273 says for a choleh or a old person one can rely on the opinion which holds there is no bishul akum in a Jew’s home.


\textsuperscript{42} Mordechai Maseches Avodah Zarah 830, Tur 113, Beis Yosef 113, Shulchan Aruch Y.D. 113:1, Toras Chitas 75:17, Ben Ish Chai Chukas 2:9, Aruch Hashulchan 3-4, Hamesivta 5754:page 91.


\textsuperscript{47} There is a different concern of hilchos yichud if there is a male patient and a woman aide or vice versa. Obviously this is well beyond the scope of our discussion.
non-Jew is not allowed to cook for a healthy person, he may not cook for a sick person even during the week (whether food cooked by a non-Jew on Shabbos is permitted for the sick person or a healthy person on Motza’ei Shabbos is a different dispute among the poskim. In addition, there is a dispute if the utensils require kashering).

This is based on the halachah that a sick person who is not in danger may not eat an **issur d’Rabbanan**.

However, based on the above discussion regarding household help, we can rely on the lenient opinion since it is cooked in the Jew’s home, and it is a pressing situation since there is no one else who can cook for the person. If the food is already cooked, and the non-Jewish help is just re-warming the food, it is permitted.

**Praising a Non-Jew**

The Torah tells us that it is forbidden to show certain favors to non-Jews (**lo sichaneim**).

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51 The Shulchan Aruch Hamekutzar 4:page 273 says for a **choleh** or an old person one can rely on the opinion which holds there is no **bishul akum** in a Jew’s home.


53 Vayikra 7:3, see Rashi there, Maseches Avodah Zarah 20a, Rambam Hilchos Avodah Zarah 10:4.
If a non-Jewish worker has performed a job, one is allowed to tip. This is because tipping is merely considered a nice gesture, and has nothing to do with lo sichaneim. Therefore, it is permitted to tip a waiter or a cab driver. If one was not treated properly, there is no need to give a tip. It is unusual to receive poor service, so one may assume that if he feels that he was treated improperly too often, it may be that his expectations are too high. It is permitted to thank a worker after he has finished a specific job. It is permitted to praise and even give gifts to domestic help, as this will encourage the worker to do a better job of maintaining the cleanliness of your home.

Benefiting from a Woman

A man is not allowed to benefit from the assistance of a woman other than his wife or very close relative (i.e. mother). This issur includes being served drinks, making his bed, or washing his face, feet and hands. If his wife is present, a different woman may serve him.

It is permitted for a woman to serve her guests, since it is being done as hachnasas orchim and not affection.

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54 Divrei Shalom 4:108, Shraga Hameir 7:155, see Sefer Lo Sichaneim 2:6, also see page 14:footnote 18.

55 Harav Yisroel Belsky shlit’a, Be’er Moshe 3:117. If one will not be served by the same person again then one should not tip too much as this is a problem of lo sichaneim. This is common with cab drivers.

56 Harav Yisroel Belsky shlit’a.

57 Sefer Melachim Omneich page 301 in the footnote.

58 Ezra K’halachah page 145.

59 Some say one’s sister and daughter are not included in this (Aruch Hashulchan 7).

60 Maseches Kiddushin 70a, Rosh 4:4, Rambam Issurei Biah 21:5, Tur E.H. 21, Shulchan Aruch 5, Aruch Hashulchan 7, see Be’er Moshe 4:113:3, also see Be’er Moshe 1:50:9.

61 Ezer Mikodesh 21.

62 Aruch Hashulchan 9, Taharas Habayis 2-page 196, see Tosafos Maseches Kiddushin 82a “hakol.”
The custom is to permit a maid to serve a man since this usually does not cause inappropriate thoughts.\(^{63}\)

An older person may have a woman assist him with things he cannot do himself due to his condition. This is permitted since he is weak and sick and will not have improper thoughts about her.\(^{64}\)

**Using Expressions of Affection**

Many domestics come for a few days a week, or even worse, live in the home. One has to be careful how he communicates with the cleaning help. One should avoid saying “hi” to a woman, because it is an expression which is only used by intimate friends.\(^{65}\) However, saying “hello” would be permitted.\(^{66}\)

**Yichud**

The most common question that arises regarding cleaning help is how to avoid the *issur* of *yichud*. Many times when one is off from yeshivah or home from work he is left alone with the cleaning lady. How do we avoid *yichud* in these situations? We cannot do the *halachos* of *yichud* justice in this article, but we will discuss how they apply to our situation.

It should be noted that the prohibition of *yichud* with a single non-Jewish woman is *d'Rabbanan*,\(^{67}\) while there is debate regarding the status of the prohibition of *yichud* with a married non-Jewish woman. In any case, one may not take

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\(^{64}\) *Shulchan Aruch* Y.D. 335:10, *VayeishivMoshe* 2:124.

\(^{65}\) Harav Yisroel Belsky shlit’a.

\(^{66}\) Harav Yisroel Belsky shlit’a, see *Emes L’Yaakov E.H.* 21:footnote 6. Refer to *Be’er Moshe* 4:116 which is not so convinced to permit “hello.”

\(^{67}\) E.H. 22:2.
this *issur* lightly.68 Our discussion is limited to a non-Jew, as the halachah relating to a Jewish woman is more severe.

**Wife with You – in City**

If the wife is in the house, even if she is in a different area, there is no *issur* of *yichud*. There are some *poskim* who contend that even if the wife is in the city it would suffice to avoid any issue of *yichud*.69 This would not help if the husband and the cleaning lady are on “close” terms.70

**Husband (of Cleaning Help) in City**

In general, there is no *issur* of *yichud* if the woman’s husband is in the city,71 as she is scared to do any forbidden action since he can arrive at any moment. This does not apply to a cleaning lady, since she knows that her husband will not enter her employer’s home. Nevertheless, since the *issur* is a *d’Rabbanan*, one can be lenient if they are not on close terms. This only works if her husband is definitely in the city and did not travel elsewhere.72

**Door Open**

A common way to avoid the *issur* of *yichud* is to leave the door to the home entirely open.73 This way people can see from outside if anything would happen between the male and the cleaning lady. This only helps if the entire area is visible, but if there is an area which is hidden from view from the open door this would not be a viable *heter*.74 The same

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68 Meshares B’beis Yisrael page 63.
69 Beis Shmuel 22:22.
70 Meshares B’beis Yisrael pages 64-65:footnote 3.
72 Meshares B’beis Yisrael page 66.
74 Meshares B’beis Yisrael page 66.
applies to a window in front of the home with completely open shades.

**Door Closed but Not Locked**

For obvious reasons, people do not want to keep the door open to the public. Is it acceptable to keep the door closed but not locked?

If someone can enter at any given time without permission, such as a family member, and it happens that they do come in unannounced, it is permitted. Even if people do not actually enter, one can be lenient in regards to a non-Jewish cleaning lady, as long as a family member has the ability to enter. Even then, one must remain in an area where family members frequent, such as a dining room area. It is not acceptable to be alone in a bedroom.\(^{75}\)

It is important to point out that these *heterim* only apply to the daytime hours and not to night hours.\(^{76}\) Today, this would be until about ten o’clock in the evening in a busy area. One should use his judgment based upon location.\(^{77}\) The reason for this is that it is uncommon for outsiders to frequent one’s home during the night hours.\(^{78}\)

**Camera**

Some people have security cameras in various areas of their home. At first this may seem like a viable *heter* since the recording is checked from time to time. However, since there are sections in the home without a camera, such as the bathrooms, this would not be an acceptable loophole regarding the *issur* of *yichud*.\(^{79}\)

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\(^{75}\) For a detailed discussion on this topic refer to *Meshares B’beis Yisrael* pages 68-69:footnote 6.

\(^{76}\) *Meshares B’beis Yisrael* page 70

\(^{77}\) *Ezra K’halachah* page 161.

\(^{78}\) *Meshares B’beis Yisrael* page 70.

\(^{79}\) *Ezra K’halachah* page 165.
Paying Workers on Time

In order to avoid problems of paying a worker late, one should have the wages ready before he hires the worker.80 One who will be leaving the house while the cleaning help is still working should leave money with someone who is in the house in order to pay her on time.81


81 Ohr Yisrael 2:page 71:3.
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