

## OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah presents a dispute between Tanna Kamma and R' Yosi whether the juices of prohibited foods are included in the vow against the food. The Mishnah concludes with a discussion of mixing into food wine that was prohibited by a vow.

### 2) Clarifying R' Yosi's opinion

A contradiction between the Mishnah and a Baraisa concerning R' Yosi's opinion is raised.

The contradiction is resolved by distinguishing between the uses of these terms in different places.

Another Baraisa that elaborates on these halachos is cited.

3) **MISHNAH:** The Mishnah teaches that how a person phrases his vow prohibiting grapes and olives effects whether the wine or oil taken from them is also prohibited.

### 4) Clarifying the Mishnah

Rami bar Chama inquires whether the last ruling of the Mishnah is because he said אלו or because he said שאני טועם

The Gemara clarifies the inquiry.

Rava proves that אלו does not prohibit the by-product of a prohibited item.

This proof is refuted.

Two more attempts are made to resolve this inquiry.

On the second attempt it emerges that the term אלו prohibits by-products and the only question is whether the phrase שאני טועם also prohibits by-products.

An unsuccessful attempt is made to resolve the inquiry. ■

## REVIEW and Remember

1. If a person vowed against meat is he permitted to eat foods cooked with meat?
2. What is included in a vow against wine?
3. Is whey considered to be part of milk?
4. Is one who made a vow against grapes permitted to drink wine?

## Distinctive INSIGHT

### Prohibiting the "taste" of "this wine"

אמר קונם יין זה שאני טועם ונפל לתבשיל, אם יש בו בנותן טעם הרי זה אסור

The Mishnah concludes with the halacha of a person who vows not to taste from a particular wine. If the wine falls into a cooked food, if the taste of the wine is detectable, the entire dish is prohibited. The ר"ן (52b, ד"ה קונם, ר"ן) explains that in this case, since the person specifically mentioned that he prohibited "the taste" of the wine upon himself, he may not eat from the dish as long as the taste is still noticeable. רש"י notes that the ר"ן did not have the word זה in his text, because if the wording of the Mishnah (as we actually have it) would have been that the person pronounced his neder saying יין זה, the food with the taste of the wine would be prohibited even without the person saying that he is prohibiting the "taste" of the wine. This is clearly the case, as exhibited in the previous case of the Mishnah, where the person said he would not eat בשר זה and the halacha is that he may not eat from food in which the meat fell, as long as its taste is still apparent in the food.

Tosafos does have the word זה in the case of the wine, and he explains the halacha of wine based upon the word זה, as the ר"ן did in the previous case of בשר. It seems that according to Tosafos, the Mishnah is simply providing another example to illustrate the case of זה. The sefer נדרי זירוין asks, according to Tosafos, what is the purpose of teaching another example of the same case?

He answers, based upon Rema (Y.D. 102:4), who rules that when we have a case of דבר שיש לו מתירין—a prohibited item which will automatically become permitted in a matter of time—we do not use rules of ביטול. Rema explains that this is only true when we are dealing with canceling the effect of a prohibited item which is intact. However, when we have only the taste of a prohibited item, such as here where the wine is blended into a food, we can use the regular rules of ביטול. Therefore, in our Mishnah, if we would be taught only the first halacha, we might have thought that the reason we can dismiss the influence of the meat once the taste is no longer detectable is that the meat itself has been removed, and we are only dealing with its residue. In the second case, we are discussing where the wine itself fell into the food, and it remains there, albeit to the point where its taste is no longer detect-

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 Rabbi Gershon Futерko o.b.m.

# HALACHAH Highlight

## Eating foods cooked with meat or wine during the nine days

הנודר מן הבשר...הנודר מן היין

One who vows from meat ... One who vows from wine...

**S**hulchan Aruch<sup>1</sup> writes that there are those who maintain that it is permitted, even for those people who do not eat meat during the nine days, to eat foods that were cooked with meat. The reason, explains Beis Yosef, is based on our Gemara that declares that one who takes a vow prohibiting meat is permitted to eat foods cooked with meat. Taz<sup>2</sup> adds that it is even permitted to partake of meat gravy as long as it no longer contains meat. On the other hand, Mishnah Berurah<sup>3</sup> follows the position of Magen Avrohom who rules that one is not permitted to eat foods that were cooked together with even meat fat (שומן) and that common custom prohibits any food that was cooked together with meat. If, however, the meat is nullified at a ratio of sixty to one, the food is permitted. Moreover, if a Jewish cook tasted the food and does not detect a meat taste the food is also permitted.

A related discussion pertains to whether it is permitted to eat food during the nine days that was cooked with wine. Taz<sup>4</sup> rules that it is permitted and bases his position on our Gemara that states that a person who took a vow prohibiting wine is permitted to partake of food cooked with wine. Oth-

(Insight. Continued from page 1)

able.

The chiddush of the second case can be that even where the wine remains in the food, we can still dismiss its presence, once it no longer contributes its taste to the food. ■

er authorities<sup>5</sup>, however, maintain that just as we are strict regarding foods cooked with meat, so too we must be strict about foods cooked with wine. Concerning baked goods that contain wine, there are authorities who maintain that according to all opinions it is permitted. The discussion regarding foods cooked with wine is limited to cases where there will remain the taste and substance of wine in the final product. When baking with wine the wine becomes an indistinguishable part of the dough and at most all that remains is some taste but the substance has been nullified. Other authorities<sup>6</sup> are not convinced of this reasoning and maintain that according to the custom of the Magen Avrohom mentioned earlier one should refrain even from baked goods that contain wine. ■

1. שו"ע אר"ח סי' תקנ"א סע' י'
2. ט"ז שם ס"ק י"א
3. מ"ב שם ס"ק כ"ט וע' שער הציון שם
4. ט"ז שם סק"ט
5. ע' שו"ת תשובות והנהגות ח"ב סי' רנ"ט
6. שיטת השבט הלוי המובא בקונטרס בדין אכילת עוגות בט' ימים המובא במתיבתא למס' נדרים בפניני הלכה נב ■

# STORIES Off the Daf

## The Onein's meal

קונם בשר זה עלי

**I**mmediately after losing a close relative, a certain man wondered if he was permitted to eat the food that was already prepared for his lunch: a stew with meat and vegetables. He knew that, as an אונן, it would be prohibited for him to eat meat; the question was, could he eat from just the broth and vegetables?

Since this was the only meal that had been prepared, his inability to partake of the dish would leave him with nothing to eat but bread and butter.

When he asked a Rav, he was told that the issue was not simple at all. "As

a matter of fact, I would presume it is prohibited. Why is this any different than the decision of the Magen Avraham regarding the three weeks, when even the parts of a beef stew that do not include meat are as prohibited as the meat itself? Similarly, in Nedarim 52b we find that if one made a neder not to eat a particular piece of meat, the stew is included in this prohibition.

However the son of the Nodah B'Yehudah is visiting our town. I suggest you ask him."

The אונן followed this advice and sent his question to the illustrious visitor. He received a terse reply: "It is permitted." Later, having more time to consider the matter, the visitor felt less sure of his decision. He decided to consult his father, the Nodah B'Yehudah,

regarding this matter.

The Gadol replied, "Your ruling was absolutely correct. Meat is prohibited to an onein merely to ensure that preoccupation with his meal will not prevent him from attending to the burial promptly. But since stew broth and vegetables lacks the attraction of a good piece of meat, it is definitely permitted to an אונן! The Magen Avraham's reasoning about the three weeks is completely irrelevant to this question. The proof was from hilchos nedarim, and in such a situation it is true that one who made a neder may not eat the rest of the stew, because nedarim go after the language of people. The prohibition to eat meat during the three weeks is like a neder since it was permitted until the sages instituted the fast!" ■

