VOLUME 1, ISSUE 2 / SHEVAT 5776 6 THE SEPHARDIC HALACHA JOURNAL **VOLUME 1, ISSUE 2 / SHEVAT 5776 VOLUME 1, ISSUE 2 / SHEVAT 5776**

FROM THE RABBIS' DESK / דברי חכמים

MOVING ORCHIDS & OTHER POTTED-PLANTS ON SHABBAT

Featured question asked to the SHC.

O: We often adorn our house with orchids. Is it permissible to move Most *Aharonim* also understand that it is them aside on Shabbat?

A: Yes. However, one may not place them near a dirt floor or near sunlight in order to benefit them. There is a distinction in Halacha between a *punctured* potted-plant (עציץ נקוב), which can absorb the earth's nutrients and is considered to be fully attached to the ground, thus, placing it on the ground is considered to be planting (זורע) and removing it from the ground is considered to be harvesting [1] (קוצר). An un-punctured pottedplant (עציץ שאינו נקוב) on the other hand, is considered to be detached from SOURCES: the ground and may be removed from or placed on the ground.

However, the Rishonim [2] argue whether wood or clay pots can absorb despite being un-punctured. Therefore, Maran [3] is stringent, ruling that one may not even place an un-punctured potted-plant on the ground nor remove it from the ground. It would seem that *Maran* would agree that there is no issue with placing a *plastic* un-punctured pot on the ground [4] (if some of the leaves grow out of the pot's parameter, some *Poskim* forbid placing it on the ground [5]).

permissible to carry any potted-plant punctured or not – if there is no concern of planting or harvesting, i.e. from the table to the counter [6]. The Ohr L'Tziyon [7] explains that because the plant is a decoration it is not *Muktze*. Moving the

[4] שבת פ"א ע"ב [2] רש"י ותוס' גיטין ח' ע"א [3] או"ח סי' שלו ס"ח, כפי הבנת רעק"א, כה"ח ועוד מנוחת אהבה ח"ב פ"ד ס"ז מסברת נפשיה, וכן ראיתי בשו"ת דברי שמואל ארדיטי או"ח סי' יג לעניין עציץ במרוצפת אבנים. ומ"מ ודאי שאין להחמיר היכא שרק מעבירו ע"ג הקרקע המרוצפת אפי' להמחמירים, וכמ"ש [8] אפשר להקל לטלטלו אפי' שלא יגנב (דמחמה לצל אפשר דחשוב קצת כזריעה ע' הערה 8) מנוחת אהבה ח"ב פ"ג סי"ב הערה 63 בשם שו"ת הר צבי סי' ריא ויחו"ד ח"ה סי' כ"ט, ורק היקל אם עושה בדרך

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[Ribbi Hayim's] sefarim

are still some of the

most quoted in Torah

literature today,

and his mention is

always accompanied

by a sense of

reverence, as well

as affection, for the

clarity and brilliance

of his writings.

A BIT OF HISTORY / דברי הימים

HAHACHAM HAKOLLEL: MARAN RIBBI HAYIM PALACHI אינ"ל

Ribbi Hayim Palachi דע"ל - or as he is affectionately referred to as "מרן" established a "mandatory education ק" – was one of the most well-known and prolific Torah giants of the law" which did not allow parents to pull

19th century. Ribbi Hayim as born in 1788 in Izmir (Smyrna) - a thriving city with a prominent and scholarly Jewish community in the Ottoman Empire into a family of respected Hachamim. His father, Ribbi Yaakov Palachi זצ"ל, was the head of Yeshivat Bet Yaakov Rabi, and his maternal grandfather, who taught him much of his Torah during his early years, was Ribbi Refael Yosef Hazan זע"ל, the *Rishon L'Tziyon* and author of the monumental work Hikre Lev.

Studying under his legendary grandfather, as well as Hacham Yitzhak Gatenyo (author of Bet Yitzhak) and Hacham Yitzhak Navaro (author of Lev Mevin), the young Ribbi Hayim did not waste any time, as he writes in one of his sefarim: "I can attest that until reaching twenty years of age, I did not disrupt my study for even one moment." Ribbi Hayim got married at 20 years old and continued studying Torah diligently, earning the rare title of HaHacham HaShalem - the complete Hacham from his grandfather at the young age of 29.

Despite his reputable scholarship, Ribbi Havim refused to accept any public rabbinic position during his father's lifetime. After Ribbi Yaakov's passing, Ribbi Hayim joined the *Bet Din* of Izmir, ascending to the position of *Av Bet Din* ten years later and ultimately becoming the Hacham Bashi - the chief rabbi of the Ottoman Empire - a positon backed by the Ottoman Sultan, granting Ribbi Havim tremendous executive authority.

Ribbi Hayim used his authority to institute laws and taxes to protect and support the widows and orphans of Izmir. Ribbi Hayim

school before they were well versed in basic reading and

Tefillot, and forbidding the employment of children who were considered by especially assigned supervisors to require more schooling. With the help of renowned philanthropists Sir Moses Montefiore and Baron Binyamin Rothschild, Ribbi Hayim also established a hospital in the city.

Perhaps the most powerful example of Ribbi Hayim's influence and dedication to the Jewish community was the infamous "Damascus Affair", a medieval-style blood libel which threatened to destroy the Jewish community in Damascus and the surrounding region in the year 1840. Upon the disappearance of a Christian monk and his Muslim assistant, allegations were made that the Jews

were behind their murder for the purpose of "ritual *matzah* baking". The French were all-too eager to believe in these baseless accusations and a full-fledged pogrom unfolded. Community leaders and Hachamim endured unspeakable torture, the Jewish dead were dug out of their graves and many were brutally killed.

Hacham Yaakov Antebi דצ"ל, the chief rabbi of Damascus – who endured harsh torture as well – sent urgent requests for help to his uncle in Aleppo, Hacham Avraham Antebi זצ"ל, and the international Jewish community sprung into feverish efforts

to diffuse the situation. Ribbi Hayim Palachi's enormous influence was instrumental in mobilizing Sir Moses Montefiore and Sir Baron Rothschild,





plant to a sunny place so it can grow better is forbidden mid'rabannan [8].

זכוכית. ויש לדון בזכוכית דמבואר בשבת ט"ו שהיא כעין כלי חרס [5] גן המלך סי' ק"ח, ח"א כלל י"ב דין ב', אגל"ט קוצר ס"ק ח', כה"ח סי' שלו ס"ק נ"א ועוד אחרונים. ובמנוחת אהבה שם הערה 22 צירף כמה דיעות להקל בזה, ע"ש. עוד דנו כמה אחרונים בקרקע מרוצפת אבנים או עצים מה דינה. והאול"צ ח"ב פכ"ו ס"ט נקט לקולא [7] .ש"ע שמ"ג ש"מ (6] פמ"ג א"א אות ט"ו ועוד, ורצה הפמ"ג שם לתלות את זה במח' אחרונים, ע"ש. שם. ויש להעיר דמשמעות הפמ"ג והכה"ח וש"א היא רק להקל לצוגו"מ, ולכן לא הקלנו כאן להדיא, אך לטעמי

> This was the ultimate test served with the *Man*. If the Jewish nation would be strong enough to trust Hashem with their families' daily sustenance, then

and internalize that everything is in Hashem's hands.

resorting to bribery, lies, theft, lashon hara or other wrongdoings. If one

wants to remain faithful to the Torah and its commandments, and not be

tempted by the seeming effectiveness of sin, one must strengthen their faith



Indeed, those who weren't ready just yet, tried breaking the rules by seeking the Man on Shabbat or saving Man from one day to the next, defying Moshe's orders. They were fortunate to see first-hand that Hashem undeniably provides for every being with benevolence and precision. We too can rest assured that we are in Hashem's hands and strengthen our Emunah and Bitahon – the pillar of our commitment to Torah and Mitzvot.

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This month's issue is dedicated by DR. & MRS. MORRIS ANTEBI

in loving memory of Ezra & Grace Antebi A"H and in memory of Yacub Bilmen o.B.M.



WHAT'S IN A WINE

THE BERACHA & KASHRUT OF WINE

By: Rav Mordechai Lebhar | Rosh Kollel Link LA and author of Sefer Magen Avot

Many people have adopted the custom to conduct one would need a "Seder" on Tu BiShvat, which includes serving at least more the fruits of Shiv'at HaMinim and new fruits as than half the well as drinking four cups of wine. This custom result mixture is based on the Sefer Hemdat Yamim [1] which compiled this unique Seder Tu BiShvat and all of the various recitations that one would make before eating the fruits and drinking the wine. The day of *Tu BiShvat* is a perfect opportunity to review some of the fascinating questions that arise with regards to the *Kashrut* of wines, as well as other issues.

DILUTED WINE. THEN AND NOW

The Gemara in Bava Batra [2] discusses the status of water that is added to wine dregs (sediments). The *Shulhan Aruch* [3] cites the conclusion of the Gemara that as long as the dregs constitute at wine, but in the case of grape juice, no significant least 1/5th of the mixture, it is considered wine. The Rama comments that even if 1/7th of the mixture is wine it is still considered to be wine and its Beracha would be HaGefen.

The Kaf HaHayim and Hacham Ovadia Yosef דצ"ל take issue with this Rama. They contend that in earlier times wine was far more potent, and therefore even after adding 6 more parts of water it would still be considered wine. However, nowadays our wines are not as strong, and thus

- even if a minute amount of water was added - if it's enough to dull its taste, it would lose the Beracha of HaGefen

Indeed, Rav Shlomo Zalman Auerbach זע"ל and others [6] suggest that the amounts discussed by the Shulhan Aruch and Rama would only apply to amount of water (even more than 10%) may be added. Rav Shlomo Zalman reasons that grape juice merits the Beracha of HaGefen only because of its *potential* to ferment and turn into wine (as we shall explain later on), and since the Beracha of *HaGefen* on grape juice is in itself a big *Hiddush*

include diluted grape juice.

THE DIFFERENCE BETWEEN

WINE AND GRAPE JUICE

On the other hand, the Minhat Yitzhak [7] CONTINUED ON PAGE 3

(novel concept) – we cannot expand it further to

grape juice in order to be able to recite *HaGefen*

[4]. Furthermore, Hacham Ben Zion Abba Shaul

[5] דצ"ל suggests that with regards to grape juice

Inside this Issue

Baruch Hashem, our last issue of the "D'var Hashem", the Sephardic Halacha Journal, was received with great enthusiasm, underscoring the tremendous thirst for the word of *Halacha* in Sephardic communities nation-wide. In this issue, which is being published in time for Tu BiShvat, we centered our focus on the Halachot of Berachot and other related topics. Our feature article, by Rav Mordechai Lebhar שליט"א – a leading *Posek* and author - examines the various implications of today's wine-making process on the laws of Berachot and Kashrut. On page 2, we discuss the possible issues relating to potted-plants on Shabbat, as well as draw inspiration from the life of *Maran HaHabif* – the saintly Ribbi Hayim Palachi דצ"ל – who's yahrzeit is on the 17th of *Shevat*. On page 3, we feature relevant Berachot questions and answers, asked to HaRav Shmuel and Rav Moshe Pinhasi שליט"א. For our front page business *Halacha* article, Dayan Shlomo Cohen שליט"א - Dayan at Ahavat Shalom, Jerusalem and author of the popular book: Pure Money - deals with non-verbal commitments and their weight in Halacha. It is our sincere *Tefilla* that this journal enhances our readers' understanding and commitment to Torah study and Halacha.

B'Virkat HaTorah. Rabbi Ariel Ovadia

BUSINESS HALACHA / דבר המשפט

NEVER MIND: NON-VERBAL COMMITMENTS IN HALACHA

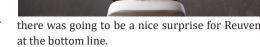
By: Dayan Shlomo Cohen | Dayan at Ahavat Shalom, Jerusalem and Author of "Pure Money"

GOOD WILL

Reuven was owed a thousand dollars by his dear

and he thought to himself to do Shimon a favor and forgo the debt.

friend, Shimon. The debt was already a year old, Later that day, Reuven received a phone call from and Reuven knew that Shimon was having trouble his accountant giving him the good news that paying it back. Reuven's business was thriving, sales were up by over 20% this year, and that



At that moment, Reuven decided that he would

give 10% of his profits to the *Torat Hashem*

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CONTINUED ON PAGE 4

VOLUME 1, ISSUE 2 / SHEVAT 5776 VOLUME 1, ISSUE 2 / SHEVAT 5776 VOLUME 1, ISSUE 2 / SHEVAT 5776

The secretary insisted

that Reuven had

made pledges to the

Yeshiva which he had

not kept. This too was

something Reuven

knew was not true,

but the secretary

was adamant...

in the old lewish

metery of Damascus

משיב דבר / Q&A's

BERACHOT Q&A

These questions were asked to Harav Shmuel Pinhasi שליט"א, Yerushalayim, & Rav Moshe Pinhasi שליט"א, Lakewood

Q: DOES ONE RECITE A BERACHA OVER ICE CREAM EATEN WITHIN THE SE'UDA?

A: The *Ohr L'Tziyon* [1] distinguishes between pareve ice cream which consists of liquids and is therefore exempt from a Beracha during a Se'udah [2]. Dairy ice cream, however, has the status of a food, and since it does not come to compliment the bread, it requires its own Beracha [3]. It would seem that today's pareve ice cream - which consists of various solid ingredients would also require a Beracha according to this opinion. Still, many *Poskim* recommend to recite a *Sh'Hakol* over another item which surely requires a *Beracha*, such as a piece of chocolate or candy (especially on Shabbat when one has *already* made a *Beracha* on the wine, exempting him from reciting Berachot over liquids [4]). RMP

Q: DOES ONE RECITE A BERACHA OVER ORAL CARE STRIPS?

A: Although many *Poskim* require one to recite a *Beracha* over *chewing gum* [5], in the case of oral strips – being that the flavored strip disappears almost instantly [6] - one can liken it to a mere tasting in which Maran rules not to recite a Beracha [7], in addition to the fact that one's main intention is only to freshen their breath and not to eat [8]. RSP

O: WHAT IS THE PROPER *BERACHA* OVER CHEESE CAKE, ICE CREAM IN A CONE OR AN ICE CREAM SANDWICH?

A: The Beracha over any food with an ingredient of the five grains (wheat, barley, spelt, rye and oat) that is added for *flavor* or to *satisfy* would be Mezonot [9]. Therefore, the Beracha over an ice cream sandwich or even cheese cake would be Mezonot. With regards to ice cream in a cone: if the cone is only meant to hold the ice cream and is not important on its own (such as a simple wafer cone), one would just make a Sh'Hakol [10]. However, if the cone is flavored (i.e. sugar cones etc.) then one should preferably make a Mezonot on the cone and then make a *Sh'Hakol* on the ice cream [11]. RMP

U: DOES ONE RECITE A BORE NEFASHOT AFTER DRINKING HOT COFFEE OR TEA?

A: Unless one drinks an entire Revi'it (about 3 oz.) in one shot, one should not make a Bore Nefashot [12]. RMP

O: WHAT IS THE HALACHA IF ONE PAUSED BETWEEN RECITING A BERACHA AND EATING?

WHAT'S IN A WINE CONTINUED FROM PAGE 1

disagrees, and does not distinguish between lost its status of Birkat HaGefen? wine and grape juice in this regard, concluding that as long as *one seventh* of the concentrate is grape juice (following the opinion of the Rama), the proper Beracha would be HaGefen.

This is especially relevant when one wishes to quench his thirst and dilutes grape juice with water to make it more palatable. As long as less than one seventh is grape juice, the Beracha of Sh'Hakol would surely be recited. If at least one seventh is grape juice, many opinions - such as Hacham Ovadia and the Ohr L'Tzivon - would still maintain the Beracha would be Sh'Hakol. According to all opinions however, if the mixture is more than ninety percent grape juice, then the proper Beracha would still remain HaGefen.

GRAPE IUICE FROM CONCENTRATE

Following his above logic, Rav Shlomo Zalman maintains that one should recite Sh'Hakol - not *HaGefen* - over grape juice made from concentrate, since it should technically be considered grape-juice flavored water, not grape juice. Similarly, Hacham Ovadia Yosef in Yehave Da'at [8] rules, that preferably one should not make a HaGefen over grape juice made from concentrate. The Minhat Yitzhak disagrees and treats grape juice like wine.

"LIGHT" GRAPE JUICE

This discussion is also relevant to "light" grape juice, which is – grape juice with added water. It would seem based on the aforementioned difference of opinions, that one should not recite *HaGefen* on these grape juices. Although with regards to regular grape juice, the Kedem brand is meticulous that it should be 100% pure with no water added, nevertheless, their "light" grape juice does have added water. Furthermore, many grape juice companies from *Eretz Yisrael* under the supervision of the Edah HaCharedit (the "Badatz") add up to 50% water to their grape juices (even though some labels claim the grape juice is 100% natural [מיץ טבעי], that does not exclude the possibility that water has been added since water is also a natural additive). Carmel Mizrahi assures us a grape into a cup and recite *Kiddush* over it. that their grape juice is 100%, with no water The Aharonim grapple with this seemingly

ADDITIVES IN TODAY'S WINES:

to their wine as a preservative. A possible question can be raised: how significant is the amount added? Can it render the wine unfit for human consumption? If so, even when the sulfites are eventually removed, has the wine

Our investigation into this matter with leading wine-making experts reveals that the kosher wineries in America do not add a significant amount of this product to render the wine undrinkable, and thus it surely retains the Beracha of HaGefen.



Even though some labels claim the grape juice is 100% natural [מיץ טבעי], that does not exclude the possibility that water has been added...

SULFITES ADDED TO GRAPE JUICE

levertheless, one can raise the following question: once these sulfites are added to the wine, it can no longer ferment. Regarding wine, there should be no problem since it has already fermented. However - following Rav Shlomo Zalman's logic, that only grape juice with the potential to ferment is considered wine - then grape juice with added sulfites would lose its status of *HaGefen*!

Rav Shlomo Zalman proves this assertion from the Gemara in Bava Batra [9] which states that one is permitted to squeeze the juice of straightforward Halacha: isn't the unique status of wine is primarily a function of its alcoholic component (due to fermentation)? This is clearly lacking in grape juice. If so, why Many wineries add *potassium meta bisulfates* is grape juice any different than any other fruit

> Clearly - Ray Shlomo Zalman suggests - the special status accorded to grape juice must lie in its potential to ferment and turn to wine,

NEVER MIND: NON-VERBAL COMMITMENTS IN HALACHA CONTINUED FROM PAGE 1

Yeshiva, to which he has been donating regularly for the past few years, and For this reason, Reuven can change his mind and collect the debt from that, in addition, he will forgo the debt of \$1000 owed to him by Shimon.

received two phone calls. The first was from Shimon, who called to accuse Reuven of tarnishing his reputation by complaining to mutual friends that Shimon was not paying back his debt. The accusation was totally untrue, but Shimon was too angry to listen, and hung up before Reuven could even Nevertheless, a pledge to charity is different. The Rama [2] rules that

The second call was from the Torat Hashem Yeshiva. The secretary insisted that Reuven had made pledges to the Yeshiva which he had not kept. This too was something Reuven knew was not true, but the secretary was adamant.

At that moment, Reuven decided that he would *not* forgo the debt owed by Shimon, and that the 10% of his profits which he thought to give to *Torat Hashem*, he will give instead to another Yeshiva.

We must now inquire whether Reuven's decision to forgo Shimon's loan and donate to the *Torat Hashem* Yeshiva is halachically binding, or whether he can change his mind.

A VERBAL COMMITMENT TO FORGIVE A LOAN

The *Halacha* in this situation is that Reuven can change his mind with regards to forgiving Shimon's debt, but may not do so with regards to the donation he committed to make to the Yeshiva, as we will explain.

The Shulhan Aruch [1] rules that the forgoing of a debt can be done verbally, without any contractual act of a Kinyan. This is not so in the case of a purchase, for example, where a verbal agreement creates a moral obligation to honor one's words, while only a contractual act of a *Kinyan* makes it so that it is not possible to now change your mind, as there has been an actual transfer

However, even though the forgoing of a debt is different from a purchase in this sense, still, a mere thought does not create even a moral obligation, as the general rule in Jewish monetary law is: "devarim sh'balev enam devarim" - a decision one makes in one's heart is not binding.

Shimon, even if he previously made up his mind to forgive it. If, however, Reuven said that he has decided to forgo the debt - even if he only told his wife - since he has verbally expressed his intention, the debt has already been Before Reuven could tell anyone of these two benevolent decisions, he forgone, and it would be theft on Reuven's behalf, to collect the debt from Shimon, regardless of how much he annoyed him.

OAN FORGIVENESS VS. TZEDDAKA COMMITMENT

a positive thought to give charity creates a vow (neder) which must be kept, only that Bet Din have no authority to enforce this vow unless it was verbalized. Although Maran in Shluhan Aruch [3] brings both the opinion which the Rama follows, and another opinion that such a vow can only be made verbally, since a vow is serious prohibition, it is certainly fitting for all to follow the more stringent opinion and keep a vow to charity, even if it was only made mentally. [We must emphasize that we are only discussing a final decision, not a fleeting "maybe" type of thought.]

> These two cases stand in contrast to the case of a transaction where a verbal agreement creates a moral obligation, and only the "contractual act" of a Kinyan is the point of no return.

SPEAKING TRUTH IN YOUR HEART

To conclude, in our case, Reuven may rescind his decision to forgive Shimon's loan but should fulfill his mental promise to donate to the Yeshiva. However, the Gemara in Bava Batra [4] references a story about the saintly Rav Safra, who was in the middle of his prayers when a man approached him with a good offer for his merchandise. The customer did not realize that Rav Safra could not answer because he was praying, and thought that the offer was not good enough, so he offered a higher price. Finally, when Rav Safra finished, he turned to the customer and agreed to accept the original offer to which he agreed in his heart, thus fulfilling the Pasuk in Tehillim [5]: חדובר אמת בלבבו – one who speaks truth in his heart.

SOURCES:

"א פ"ח [4] מ"סי' עב ס"ח [2] יו"ד סי' רנח סי"ג [3] חו"מ סי' ריב ס"ח [4] פ"ח ע"א

HAHACHAM HAKOLLEL: MARAN RIBBI HAYIM PALACHI 5" TONTINUED FROM PAGE 2

who, along with Jewish-French lawyer Adolphe Crémieux and diplomat In the year 1867, Ribbi Hayim was called up to the Torah as Hatan-Torah, Eliyahu Piccioto, were able to apply the appropriate pressure at the highest and as he read the verse: "and Moshe, servant of Hashem, passed away..." levels of government to finally bring this gruesome saga to an end.

Torah study and scholarship not one bit. Ribbi Hayim authored some 80 *sefarim* in all areas of Torah: *Halacha, Talmud, Darush* Brisk to Hacham Menashe Sitehon of Aleppo and the Ben Ish *Hai* of Baghdad. His *sefarim* are still some of the most quoted in Torah literature today, and his mention is always accompanied by a sense of reverence, as well as affection, for the clarity and brilliance of his writings. He was once asked how he can write

so much Torah, despite his impossibly tight schedule and responsibilities. "I write between appointments", he answered, humbly brushing aside his genius and diligence.

he burst into tears, upon which his devastated community

realized that they would lose him that year. When he fell ill, he sensitively asked that the poor should be *hired* to pray for him instead of troubling the entire community with Tefilla gatherings for his well-being. That year on the 17th of Shevat, Maran HaHabif - the pride of his generation - passed away and was accompanied to his final resting place by the entire community as well as a special honor guard of the Ottoman Empire. He was survived by his sons Ribbi Avraham, Ribbi Rahamim Nissim Yitzhak and Ribbi Yosef, all of whom were distinguished Torah scholars and authors. Through his

sefarim - most of which include the word "Hayim" in the title - Ribbi Hayim's Torah lives on and continues to guide the Torah scholars of our generation.

WHAT'S IN A WINE CONTINUED FROM PAGE 3

which is lacking in other fruit juices.

He notes, that this would seem to imply that there is no justification to make a HaGefen on pasteurized wine, which loses its potential to ferment! However, he rejects this notion, reasoning that since at one point in time the grape juice had that potential, it no longer loses its *Beracha*.

Accordingly, we can also reason, that even if enough sulfites were added to the grape juice that would prevent the fermentation process, nevertheless, since at one point in time there was a potential of fermentation, the *Beracha* of *HaGefen* remains intact.

However, Rav Tzvi Weber שליט"א, a leading Posek in Yerushalayim and member of the *Badatz She'erit Yisrael*, commented to the author that grape juice does *not* lose its potential of fermentation even after pasteurization, since if bacteria are once again added, it could theoretically ferment. This is not the case with sulfites, which permanently neutralize the grape juice so that it can never turn into wine. In his view, any grape juice which contains sulfites should be avoided. If one chooses organic grape juice one does not have to worry about sulfites.

Nevertheless, the generally accepted practice is to use grape juice which contains sulfites and recite HaGefen over it.

TARTARIC ACID

Many wines contain tartaric acid, which is a derivative of wine sediments that is gathered on the walls of casks of aged wines. This process is very tedious and – for many years – has been only extracted from Setam Yeinam (wine made by a non-Jew), which is not kosher. The Shulhan Aruch discusses this ingredient in particular, which is subject to a dispute between *Rebbenu Efraim* and *Rebbenu Tam* [10]. The *Shulhan Aruch* [11] quotes the opinion of the *Rashba* that if this sediment became completely *inedible*, one can use this

Many Kashrut agencies rely on this opinion and use tartaric acid, derived from *Setam Yeinam*, in the wine-making process. This includes most *Kashrut* agencies outside of Israel as well as the supervision of R.A.D. Auerbach שליט"א which oversees wineries such as Yarden and Ramat HaGolan. However, in recent years, kosher tartaric acid has been developed and has been adopted by many *Mehadrin* (stricter) supervisions in Israel [12].

SOURCES:

ישראל בתוקף סמכות "ספר "חמדת ימים אשר לא נודע מחברו. המקובל האלוקי הגר"י פתייה זצוק"ל מוכיח בספרו מנחת יהודה שמחבר הספר היה נתן העזתי שר"י חבר שבתי צבי שר"י שחיבר את הספר למשוך את לבות בנ"י אחר שקריו, וע"כ כתב שאין לסמוך על דבריו כלל. ועפ"ז השמיטו



בסידור 'עוד יוסף חי' המבוסס על פסקי הבא"ח את כל התפילות שמקורם בס' חמדת ימים וסדרו במקומם את היה"ר שחיבר האריז"ל. אמנם, במהדורה החדשה של הס' חמדת ימים האריכו להוכיח דאינו כן, דהרי מובא שם שיחה שהיתה למחבר הספר עם האב של אחד מגורי האר"י, שחי הרבה לפני ש"צ. ועוד ראיה, שהרבה חכמי ישראל – כמו הבבא סאלי ועוד רבים – קבלו וחיבבו את הס' חמדת ימים מאוד. [2] פ"ח ע"א [3] או"ח סי' ר"ד ס"ה [4] ע"ע א"ר ופמ"ג סי' ר"ח, והכה"ח סובר דהרמ"א איירי רק בשמרים, ורק לדעת השו"ע שתולה את דין ברכת בפה"ג בשיעור שמוזגין יין באותו מקום אז בזמננו צריך היין להיות יותר ממחצית התערובת. [5] אורל"צ ח"ב פ"כ סי"ח [6] מנחת שלמה ושבות יצחק (הל" פסח), וכן דעת הגרי"ש אלישיב זצ"ל. [7] ח"ז סס"א וח"ח סי"ד [8] ח"ב סי' ל"ה [9] שם [10] תוס' ע"ז דף ל"ד [11] יו"ד סי' קכ"ג [12] ע' בית מאיר ביו"ד שם שחולק על מסקנת השו"ע ופוסה דלא רהרשר"א.

BERACHOT Q & A

CONTINUED FROM PAGE 3

A: One should not utter even one word [13] about an unrelated matter between the Beracha and the eating. If one did so they must recite the Beracha again [14]. However, if one spoke for the purpose of the food (i.e. asking for salt), one does not have to recite the Beracha again [15]. Similarly, if one answered Amen (even though they shouldn't have [16]) one does not have to repeat the Beracha [17]. One should not even pause with silence before eating, yet, if one paused before eating - even for a long period of time - one does not have to repeat the *Beracha* [18]. On Shabbat, when one person recites the Kiddush or HaMotzi for everyone, it may depend on whether or not the one reciting the Beracha already ate. Therefore, one should take extra care to avoid pausing before tasting from the food. RMP

O: CAN ONE PAUSE AFTER PUTTING THE FOOD IN THEIR MOUTH, BEFORE SWALLOWING IT?

A: It is preferable to swallow first, however, one does not have to repeat the *Beracha* if they spoke or paused before swallowing [19]. One may also answer *Amen* before swallowing [20]. RMP

SOURCES

[1] ח"ב פי"ב סי"ב [2] או"ח סי' קעד ס"ז [3] סי' קעז ס"א [4] בילקו"י (או"ח ח"ז סי' קעז ס"י) ב' שכל סוגי הגלידה כמשקה, ואף שלכתחי' לא יאכלם בסעודה, האוכל גלידה בסעודה א"צ ברכה. אמנם בשו"ת שארית יוסף שבסוף הספר חשש קצת לדעת הפוס' שגלידה חלבית לכתחי' לא יאכל תוך הסעודה, ויוכל לברך שהכל על סוכר ויפטור. אולם בהלכה ברורה (ח"ט סי' קעז סי"ג) נקט בפשיטות שעל כל גלידה יש לברך, ואפי' נחשיב אותה למשקה, לא תפטר בברכת הלחם, שאף משקים רק נפטרים בברכת הלחם כשבאים לשרות המאכל. והוסיף שכן נהג אביו מרן הגרע"י זצ"ל, מלבד בשבת שחשש שברכת היין פוטרת כל מיני משקים, ואם גלידה דינה כמשקה נפטרת בברכת היין, ולכן היה מברך אחר הסעודה. וכ״כ בשבט הלוי (ח״א סי׳ רה בהע׳ לסי׳ קעד), ובס' וזאת הברכה (פ״ח הע׳ 21). [5] אול"צ ח"ב פי"ד ס"ח, שו"ת יבי"א ח"ט סי' קח אות צד [6] דמסטיק, הואיל ויש בו מתיקות סוכר ומוצצו, לא גרע ממוצץ קנים מתוקים שמברך, סי' רב סט"ו. [7] סי' רי ס"ב. ואף שמדברי התוס' (ברכות לט. ד"ה בצר) משמע דחיוב ברכה תלוי בהנאת גרון, וכן מפורש בס' אהל מועד (שער הברכות ד"א נ"ד), מ"מ כבר השיג על דבריו בב"י (סי' רי) דברכה לא בטעימת החיך תליא מילתא אלא באכילה תליא, כדכתיב ואכלת ושבעת וברכת, ואכילה היינו אכילת מעיים כדברי הרא"ש. וע"ש בב"י דיליף הכי אף בדעת הר"ח דביאר הסוגיא בטועם ופולט, ודו"ק. וכן יש לנקוט למעשה, ובפרט דסב"ל. וכן מוכח מדברי המשנ"ב בכמה דוכתי דאפי' מתכוון לטעום, אם אין לו הנאת מעיו, אי"צ לברך, עיין בדבריו בסי' רי סק"ז, וסי' קסז ס"ק לה וסי' תקסז סק"א. [8] ודמי למ"ש השו"ע (סי' ריז ס"ב) דאין מברכין על בשמים של בית הכסא ולא על שמן העשוי להעביר הזוהמא, אע"ג שהתם ג"כ נהנה, דאל"ה מאי רבותא. ואף אי"צ ע"ז חותם כשרות, כיון דאינו ראוי לאכילה אלא לטעימה, ולא אמרינן 'אחשביה' באופן זה, וע"ע מה שכתבתי בזה בשו"ת מנחת שמואל (ח"ג ס"י וסי' כג). [9] או"ח סי' רח סעי' ב-ג [01] יבי"א ח"ז או"ח סי' לג אות ג, שה"ל ח"ו סי' כו, אג"מ או"ח ח"ד סי' מג, ברכת ה' ח"ג פ"י אות כב והלאה, הלכ"ב ח"ח סי' קסח ס"ל, ועוד. [11] המג"א סי' ריב סק"ה כ' דרקקים הטובים למאכל אפי' עשויים לשם המרקחת מברך אף עליהם. ועפ"ז יש שכתבו (מ"ב סי' קסח ס"ק מה, אג"מ או"ח ח"ד סי' מג, ברכת ה' ח"ג פ"י אות כב-כז. ועוד) שכשלשניהם יש חשיבות אצל בנ"א ונחשבים לעיקה וגם לא נאפו יחד, מברך על שניהם, תחילה במ"מ ואח"כ שהכל, וה"ה בגביע של גלידה כשיש לו טעם וחשיבות. וי"א (יבי"א ח"ז או"ח סי' לג או"ג, שה"ל ח"ו סי' כו, ועוד) שכיון שיש חשיבות לגביע והביסקויט, וטובים הם לאכילה בפנ"ע, אע"פ שאינם העיקר כיון שהם ממין דגן מברך עליהם ופוטר את הגלידה, וי"א (אול"צ ח"ב פי"ד ס"כ) שכן הדין בגלידה בביסקויט, אבל גלידה בגביע לעולם מברך שהכל על הגלידה ופוטר הגביע. וי"א (הלכ"ב ח"ח סי' קסח ל-לא) שמאחר שנח' בזה הפוס' טוב להפריד המין דגן ולברך במ"מ ולכוין שלא לפטור את הגלידה, ואח"כ יברך שהכל על הגלידה. [21] מרן באו"ח סי' תריב ס"י פסק כהרמב"ם (פ"ב משבה"ע ה"ד) ששיעור הצירוף לשתיה הוא כדי שתיית רביעית, ובשם

י"א (ראב"ד פ"י מתרו' ה"ג) כ' ששיעור צירוף השתיה הוא כדי אכילת פרס כאכילה [ומש"כ בסי' תריח ס"ח שהשיעור הוא כדא"פ, כ' האחרונים (מחב"ר סי' תריב סק"א) שאי"ז אלא לחומרא]. וכ' הג"ו (חאו"ח כלל א סי' יז) ועוד אחרונים, דקפה או תה הואיל וזוהי דרך שתייתם מברך אחריהם בנ"ר, ובשכנה"ג (סי' רד בהגה"ט סק"ג) כ' עוד סברא, דכיון שגופו נהנה חייב בברכה אחרונה, ויש שכ' (ט"ז סי' רי סק"א, ועוד) שאף שלא שתה רביעית חייב בברכה אחרונה, שלא בכל מקום הצריכו חכמים לשתות רביעית, אלא תלו את שיעור השתיה בדרך בנ"א. ומ"מ להלכה כ' פוסקי הספרדים (ברכ"י סי' רד סק"ה, בא"ח ש"א פר' מסעי ס"ט, כה"ח סי' רד סק"מ, אול"צ ח"ב פי"ד סכ"ז, חזו"ע הל' ברכות עמ' רס, ועוד) שמנהגנו הוא שלא לברך ברכה אחרונה. ומש"כ המשנ"ב (סי' רי סק"א) שראוי ליר"ש לשייר לבסוף שיעור רביעית שיצטנן מעט, וישתה בלא הפסק ויברך ברכה אחרונה, יש שכ' (ברכ"י שם סק"ו. וטוד) די"ל דבטלה דטתו אצל כל אדם כיוו שאי"ז דרר שתייתו. ואינו יכול לברר, ויש שכ' (כה"ח שם, חזו"ע שם עמ' רסא בהע') שהעושה כן יכול לברך. [31] משנ"ב סי' קסו ס"ק לו, כה"ח ס"ק מה, ועוד אחרונים [41] או"ח סי' קסו ס"ו [51] שם [61] פמ"ג סי' רו א"א סק"ד, בא"ח ש"א פר' אמור סי"ג ועוד [71] כה"ח סי' קסו ס"ק סא, הליכות עולם ח"א עמ' שמג-שמה, ע"ש. [81] חזו"ע הל ברכות עמ' קעא-קעג דסב"ל, ואפי' עשה מעשה ולא הסיח דעתו. [91] של"ה שעה"א דף נה. וע"ע במג"א סי' קסז ס"ק טז. ובשו"ת הלק"ט (ח"ב סי' לג) כתב שמפני שכוונתו לאכול מיקרי כבר תחילת

אכילה, ול"ד למטעמת שא"צ לברך עליה (סי' רי ס"ב). וכ"פ האחרונים, בא"ח שם סי"ד, כה"ח שם

ס"ק מה, אול"צ ח"ב עמ' שא, ועוד. [02] יבי"א ח"ה או"ח סי' טז אות ז'.

CONTINUED ON PAGE 5