Practical Applications **SHIUR 13**

Clinking glasses

Does clinking wine glasses with a non-Jew forbid the wine in your cup? There are several reasons to be lenient: 1) The movement of wine when clinking glasses does not rise to the level of "shaking;" it moves only slightly. 2) In most cases, the movement of the wine in your glass seems to be more as a result of **your** hand's motion rather than from the force of the non-Jew's action. 3) Even if the non-Jew is responsible for some of the movement, the S"A in **סימן קכה-ג** *passkins* that if a non-Jew and a Jew pour wine together, the wine is allowed *be'dieved.* In our case, where the wine is not even poured and only moves slightly, it would be permitted even *le'chatchilla.* 4) The *Rama* in **סימן קכה-ד** *passkins* that if a Jew is pouring wine and a non-Jew comes and moves his hand, if the wine would have been poured without the non-Jew's intervention, the wine is permitted; but if the wine was poured only because of the non-Jew's action, the wine is forbidden. Similarly, when clinking glasses, the primary movement of the wine is caused by the Jew, so the wine should remain permitted.

Gifting wine to a מחלל שבת בפרהסיא

If a מחלל שבת בפרהסיא forbids wine that he touches, are you allowed to gift him a bottle of wine knowing that he will drink it? If you do, you are essentially causing him to drink wine that is forbidden. What if you own a store that sells kosher wine – are you allowed to sell non-*mevushal* wine to a מחלל שבת בפרהסיא?

Rav Moshe, in 29) (אגרו״מ (או״ח ח״ה לז:ח), permits doing so since the *halacha* of a מחלל שבת בפרהסיא forbidding the wine he touches is not explicitly stated in the S"A or its commentaries. Therefore, we do not extend it to gifting or selling wine to non-religious Jews. **Rav Sternbuch**, in (תשובות והנהגות (ח״א-תעג 30)), adds that the *gezeirah* to treat the wine of non-religious Jews as *stam yeinam* was enacted specifically for religious Jews, in order to prevent them from being negatively influenced by the non-religious. However, non-religious Jews themselves were never prohibited from drinking their own wine, since there was no need for a *gezeirah* to distance them from themselves. For this reason, it is permissible to give them wine. Furthermore, as we learned in section B, many *posskim* maintain that traditional and respectful Jews are not considered מחללי שבת בפרהסיא.

A rav officiating at a wedding of מחללי שבת בפרהסיא

Following the *bracha* of *kiddushin* as well as at the end of *Sheva Brachos,* the officiating Rav instructs the newlywed couple to drink from the wine. The moment that the wine touches the groom's lips, it seemingly becomes *stam yeinam.* In essence, then, the Rav is causing the bride and groom to drink *stam yeinam.* Is the Rav permitted to do this? Similarly, if you host non-religious Jews for a meal, are you allowed to pour them a glass of non-*mevushal* wine? Here too, you are giving them *stam yeinam* to drink.

Rav Moshe, quoted in the previous subsection, would permit for the same reason as given there – the source to forbid the wine of a מחלל שבת בפרהסיא is not explicit, so we do not extend it to giving them wine. Rav Sternbuch would also permit, because the prohibition of drinking wine touched by non-religious Jews applies only to the religious (in order that they distance themselves), but not to the non-religious themselves. **Rav Ovadya** in 31) (יביע אומר (ח״ב יו״ד-י) offers two reasons for leniency in the case of a wedding. He first mentions the consideration discussed above that perhaps the non-religious bride and groom are not considered מחללי שבת בפרהסיא. He then adds that even if they do have the status of מחללי שבת בפרהסיא, since the sins of a bride and groom are forgiven on their wedding day (see *Rama* סא-א אבה״ז), any wine they touch does not become forbidden.

<u>Opening a wine bottle</u>

We saw above that the S"A in **סעיף יח** *passkins* that a non-Jew who lifts a bottle of wine without shaking it does not forbid the bottle. We also saw that the S"A in **סעיף יז** *passkins* that shaking the bottle without lifting forbids the wine, while the *Rama* disagrees and permits it in a case of loss. Therefore, the ספר כושרות) עמ׳ 85) *passkins* that if a non-Jew opens a bottle without shaking or lifting it, as is the case with many modern corkscrews, the wine remains permitted. If he shakes it without lifting it, the S"A would forbid the wine, while the *Rama* would permit it in a case of loss. If a non-religious Jew opens the bottle, there are additional reasons for leniency, as discussed above, in addition to the fact that he might not even be considered a מחלל שבת בפרהסיא.

<u>Touching by accident</u>

If a non-Jewish waiter accidentally places his finger in your cup of wine while serving food, are you allowed to drink the wine? If the waiter is Muslim, the S"A, *Rama,* and ש״ך would permit even drinking the wine, because if the waiter was an idol worshiper, it would only be forbidden to drink (since the contact was unintentional). If the waiter is Christian, the S"A would forbid drinking it but allow benefit, whereas the *Rama* would allow even drinking it. The (עו-יב) **חכמת אדם**

32)) *passkins* that one may rely on this leniency only in a case of loss and should not publicize it before an עם הארץ (as we learned above in the *Rama*).

El Al wine

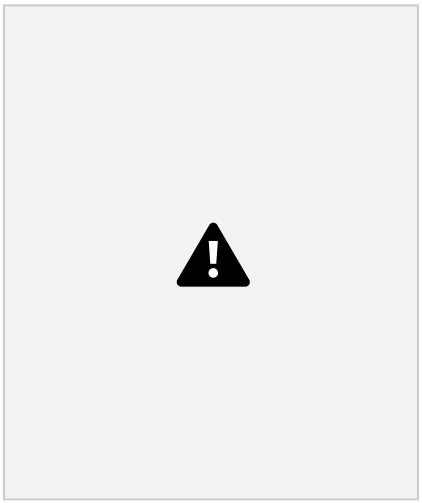
El Al serves non-*mevushal* wine on their long-distance flights, and the wine is generally poured by non-religious flight attendants. In addition, if a bottle of wine is not finished on one flight, it will likely be used on the return trip. Are you allowed to order non-*mevushal* wine on an El Al flight?

There are at least four reasons to be stringent in this case: 1) The widespread custom in עם ישראל is to forbid wine poured by a מחלל שבת בפרהסיא, as discussed above. 2) Even if we are lenient concerning wine poured by a מחלל שבת בפרהסיא (similar to a Muslim), that may be only in cases of potential shame or embarrassment. Here, however, there is no need to order the wine. 3) The S"A in **סימן קכח-א** *passkins* that one is not allowed to leave wine for an extended period of time in the possession of someone who would forbid the wine by touching it. Furthermore, the *Rama* in **קכח-ד** *passkins* that although non-Jews today do not perform libations, if there is reason to suspect that the non-Jew might touch the wine in order to drink it or otherwise derive benefit from it, the wine would be prohibited, and the same would apply to wine left unattended with non-religious Jews. Since the wine is left unattended in the galley, this is another reason to forbid. 4) If the bottle is used to refill the wine glass of a non-Jewish passenger (as is often common), the wine in the bottle might become forbidden because of ניצוק from the leftover wine in the non-Jew's cup (see next section). Based on all the above, it is best to skip the wine if it is non-*mevushal.*

Those who drink the non-*mevushal* wine on an El Al flight presumably would be relying on the following leniencies: 1) The flight attendants may not be considered מחללי שבת בפרהסיא, based on what we discussed in Section B. 2) The flight attendants merely pour the wine but do not directly touch it, and we learned above that there are *posskim* who permit drinking wine poured by a Muslim (and the same would apply to a non-religious Jew). 3) The **בינה ודעת** (מחללי שבת בזמנינו פי״ג-טו) writes that although one should generally not leave non-*mevushal* wine intended for drinking unattended with a non-religious Jew, if it occurs, the wine is permitted. He explains in the footnote that the reason the *Rama* forbids wine left unattended with a non-Jew (or in our case, a non-religious Jew) is because there is concern that it might be touched and drunk, but today, no concern exists that the flight attendants inserted a finger into the bottle or

drank directly from it.[1] 4) When customers want a refill, they are usually given a new glass.

I spoke with the Rav of El Al, Rav Shlomo Daninu, about this issue, who related that El Al does stock some *mevushal* wine in business class and religious passengers may request it. When flight attendants serve non-*mevushal* wine, El Al relies on the leniencies mentioned above. Rav Daninu added that there is no concern for flight attendants drinking the wine because they would lose their jobs if they were caught drinking on duty. He also mentioned that passengers may actually ask for a closed bottle, and the flight attendants are aware of this option. Finally, he said that El Al is in the process of trying to serve only *mevushal* wine on its flights.



The *kashrus* of flights from the US to Israel is overseen by the OU, and the OU writes that it is best not to drink non-*mevushal* wine (see certificate at right, which is distributed together with every meal leaving the US). *Lema'ase,* one should consult a Rav, but as mentioned above, the accepted custom is to prohibit the wine served on flights, particularly because the flight attendant will not be offended if you decline the wine.

Restaurants

Are you allowed to order a bottle of non-*mevushal* wine at a kosher restaurant in Israel if a non-religious waiter will open and pour it? (In *chutz la'aretz,* most *hechsherim* do not allow serving non-*mevushal* wine.) In many restaurants, a *mashgiach* is present, who opens and pours the wine. However, this is not the case in some other restaurants. If you insist on opening the wine bottle, you may offend the non-religious waiter, who will not understand why he cannot open the bottle. The restaurant case is better than the El Al case, because the wine remains on the table, and no concern exists that someone may touch it while it is out of sight.

We mentioned above that the custom is to forbid wine poured by a non-religious Jew. Therefore, if the wine is not necessary and you are concerned that the waiter will be offended, it is best not to order it. If there is a reason why wine must be ordered, such as a Sheva Brachos, and the Jewish waiter will be insulted if you request to open the bottle, there are several reasons to be lenient:

[1] Additionally, it is prohibited for flight attendants to drink while they are on duty.

1) Opening the wine does not necessarily involve moving or shaking it. 2) According to the simple reading of the S"A, the *Rama* and many *acharonim,* since the wine is merely poured but not directly touched, it is permitted. Rav Ovadya, however, does not rely on this. 3) The waiter may not have the status of a מחלל שבת בפרהסיא.

Non-religious parents

What should one do if his parents are not religious and they pour him a glass of non-*mevushal* wine? Based on the discussion in the previous subsection regarding restaurants, it would seem that *Ashkenazim* should certainly be lenient in order to avoid offending one's parents or causing tension. Furthermore, even for *Sephardim,* there may be room for leniency. The **ואין למו מכשול** (יו"ד ח"א עמ' 34) (קצז) relates that he asked Rav Yitzchak Yosef what one should do if his non-religious father pours him non-*mevushal* wine. Rav Yosef *passkined* that although one should do his best to avoid such situations, if it already occurred and refusing to drink the wine would cause a dispute, one may drink it to preserve family harmony.

What is the *halacha* if the non-religious parent recites *kiddush,* drinks from the cup, and then offers the cup to the religious son?[2] Is he allowed to drink the wine if refusing would offend the parent? We learned above that the leniencies of the *Rama* and S"A apply only when the wine is poured without the non-Jew coming into direct contact with the wine. But if there is direct contact with the wine, even by the mouth (see סעיף יא), the wine becomes forbidden.

As in all such cases, if there is a way to avoid drinking the wine without offending the parent, one should avoid drinking. However, if there is no way to avoid the parent being insulted, there are two primary reasons to be lenient: 1) The father may not be considered a מחלל שבת בפרהסיא, especially since he just recited *kiddush* (as the בנין ציון and Rav Ovadya cited above in section B *passkin*). 2) The 35) (קכד סק"כ) **דרכי תשובה**), quoting the כנסת יחזקאל and others, *passkins* that in a case of loss, if a non-Jew who does not perform libations touches the wine with his mouth, such contact does not render the wine forbidden. Accordingly, even if the father is actually a non-Jew, and even if he drank directly from it, the wine may still be permitted if he is not an idol worshiper.

Carrying open bottles

At the end of many *smachos*, many caterers collect all the half-used wine bottles and reuse them at the next *simcha.* As mentioned above, if a religious

[2] There is a discussion whether a מחלל שבת בפרהסיא can be מוציא others in *kiddush.* Our discussion above pertains only to whether the religious son is allowed to drink from the wine.

worker first closes all the bottles, non-Jewish waiters may certainly collect them, as the S"A קכה-ט *passkins* that wine shaken by a non-Jew while the bottle is closed remains permitted. Even if the bottles are still open, we saw that the S"A in קכד-יח *passkins* that if a non-Jew lifts a bottle without shaking it, the wine is permitted. Ordinarily, when carrying the bottles, the waiters do not shake them. Moreover, the bottles are usually carried in a box, making the contact even more indirect. Finally, if the waiters are non-religious Jews, there is even more reason for leniency, since they may not have the status of מחללי שבת בפרהסיא. Even if they do, when they do not come in contact with the wine directly, the wine remains permitted (as the S"A *passkins* in סעיף ז׳). See also ח״ג-עה) **חשב האפוד**), who *passkins* accordingly and mentions some of the considerations listed above.

E. Pouring Wine for A Non-Jew – Nitzok

We learned previously that according to רב חסדא in the (עב:) **גמרא עבודה זרה** 19)), when wine is poured in a continuous stream from a bottle into a cup of forbidden wine, the wine in the bottle becomes forbidden. **Rashi** *passkins* like רב חסדא, whereas **רבינו תם** disagrees. We also learned that the S"A in **קכו-א** *passkins*, *m'ikar ha'din*, like Rashi that kosher wine poured into a cup containing *stam yeinam*, which is forbidden both to drink and benefit from, forbids the wine remaining in the bottle because of *nitzok* – the stream is viewed as connecting the wine in the bottle to the wine in the glass, as though they are mixed together. The S"A in **קכו-ב** adds that in a situation of great loss, one may be lenient like רבינו תם, who holds that *nitzok* is not considered a connection. The *Rama* clarifies that the definition of a "small loss" is any wine remaining in a cup or bottle, whereas wine left in a barrel is considered a "great" loss. The בית יהודה (קטז:א) explains if there is a small amount of wine left in the barrel, it is still considered a "small loss," and when the *Rama* discusses a barrel, he means a barrel that contains more wine than a bottle.

The קכו-ט) **ש״ך**) *passkins* that although the *Rama* permits benefiting from wine touched by a non-Jew today (since they do not perform libations), if this wine is poured into a cup, *nitzok* still applies to it, such that if kosher wine from a bottle is poured into this cup, the wine in the bottle is forbidden. The reason is that although *nitzok* only applies when the wine being poured is forbidden both from drinking and benefit, since the wine in the cup would have been entirely forbidden had it been touched by a libating non-Jew, the halacha of *nitzok* remains in effect even when the wine was touched by a non-libating non-Jew.[3] Therefore, even the *Rama* agrees that if a non-Jew has wine left in his glass and you "top it off," the remaining wine in the bottle becomes forbidden through *nitzok*.[4]

The S"A in **קכו-ה** adds that *nitzok* does not apply if the cup into which you are pouring was not washed, but the remaining wine has dried up to the point that touching it will not leave your hand wet. In such a case, the wine poured into the glass is forbidden, but the wine remaining in the bottle is permitted. The *Rama* clarifies that if the wine remaining in the non-Jew's cup is still moist enough to wet your hands and the next thing you touch, *nitzok* applies and the wine in the bottle becomes forbidden.

However, the *Rama* adds an important leniency. If there is *shishim* in the bottle against the moist wine remaining in the cup, the wine in the bottle does not become forbidden. He explains that since we *passkin* leniently that *stam yeinam* is *batel b'shishim,*[5] and the *chiddush* of *nitzok* is that the wine in the glass is viewed as if it is mixed with the wine in the bottle, then if there is *shishim* in the bottle against the wine in the cup, the wine in the bottle is permitted.[6] Thus, according to the *Rama,* if one accidentally[7] pours wine into the glass of a non-Jew that still contains a few drops of

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[3] See חזו״א (נב-סק״ז), who suggests that today, there should be no *din* of *nitzok* since non-Jews do not perform libation, but he concludes that we should not be more lenient than the *Rama.*

[4] This is different than the earlier discussion in the ש״ך (קכה סק״א-ב) concerning a non-Jew who pours wine into an empty glass without shaking the bottle. In that discussion, we saw that the S"A in קכה-א *passkins* that if a non-Jew pours wine into an empty glass without shaking the bottle, the wine in the glass is forbidden to drink and permitted to benefit from, but *nitzok* still applies. The ש״ך there asks, and does not resolve, how *nitzok* can apply if the wine being poured into the glass is only forbidden to drink according to all (since there was no שכשוך), but it is permitted in benefit? The case of the S"A in our *siman*, however, is of a Jew pouring wine into a glass that already has wine that is forbidden to drink and benefit from (e.g., the non-Jew drank from the glass). Here, the ש״ך *passkins* definitively that even if the non-Jew was a Christian who does not perform libations, *nitzok* still applies because if the non-Jew was an individual who does perform libation, the bottle would be forbidden.

[5] See ש״ך קלד-טו and ד-קלד) פת״ש).

[6] The *Rama* in קלד-ב clarifies that although the wine in the bottle does not become forbidden when there is *shishim* in the bottle against the drops in the cup, the drops in the cup do not become *batel,* and they are not permitted to be drunk through *nitzok* with the wine in the bottle. Rather, they only become *batel* if there is *shishim* in the cup against those drops.

[7] Deliberately pouring knowing that you have *shishim* in the bottle would seem to be prohibited due to אין מבטלין איסור לכתחילה.

wine, the wine remaining in the bottle is permitted if there is 60 times the volume of the wine in the cup. A standard full bottle of wine contains 750 ml; thus, if there is less than 12.5 ml in the cup, the wine is permitted. If there is more than that, or even if there is less but the bottle is not full, the wine in the bottle is forbidden.

Practical Application

Jerusalem Wine Festival

The city of Yerushalayim hosts a wine festival every year where dozens of wineries set up booths offering samples of wine, and participants walk around with a single glass that is refilled at each booth. Many of the people serving the wine at the booths do not appear to be religious. Is one allowed to attend the wine festival?[8]

At first glance, it would seem that those who are lenient rely on the fact that the servers of wine are not necessarily considered מחללי שבת בפרהסיא (as discussed in section B). Even if they are, perhaps one may rely on the *Rama,* רע"א, and חזו"א that since they do not touch the wine directly, it is permitted. However, there is a much bigger problem that would seem to forbid participating in the wine festival: If one of the attendees is not Jewish and does not rinse his glass out from the leftover wine in his cup, the leftovers may forbid the wine in the bottle through *nitzok.*[9] Consequently, you may only drink from a bottle if you are the first person served from the bottle or if you know that there was *shishim* in the bottle against the wine remaining in the cup of the non-Jew who was served before you. Since neither of these conditions is commonly met, it would seem that one should not attend any wine festival at which non-Jews may be present, aside from the additional concern for the prevalent custom not to drink non-*mevushal* wine poured by a מחלל שבת בפרהסיא.

Many years ago, Aish Ha'Torah hosted a wine tasting fundraiser event for its donors. The caterer spent weeks finding waiters and wine pourers who were religious so that non-*mevushal* wine could be served. On the day of the event, Aish Ha'Torah called the caterer to make sure that all the wine he had purchased was *mevushal.* The caterer replied that there was nothing to worry about because he had carefully vetted everyone serving the wine. The Aish organizer laughed and responded, "You don't understand. Some of the donors are non-Jews or married to non-Jews. If we refill their glasses, all the wine in the bottle will become forbidden." Since the caterer could not find enough

[8] There is also a separate issue that if you get to keep the glass with the purchase of the ticket to the wine festival, the glass is obligated in *tevilah* (if made by non-Jews) and you may not use it without first *toveling* it.

[9] Although non-Jews at the festival are a minority, we presumably still take that into consideration due to the *halachic* principle of כל הקבוע כמחצה על מחצה דמי.

mevushal wine, every time a new bottle was introduced or a refill was requested from the open bottle, a new glass was given to the guests.

Dining with a non-Jew at a restaurant

When ordering a bottle of wine at a restaurant, the waiter will often open the bottle and pour a small amount into one or two glasses for the diners to taste and offer their approval. If they approve, the waiter then pours the wine into everyone's glasses. What is the *halacha* in the following scenario? You are at a business meeting with a non-Jew in a kosher restaurant. You offer him to taste the wine, which is not *mevushal*. He drinks a bit, gives his approval, and then the waiter (who is a religious Jew) fills his cup to the top. Does the wine in the bottle become forbidden? This would seem to be a problem of *nitzok*!

In most cases, since the bottle was just opened and only a small amount was poured for tasting, there is still *shishim* in the bottle against the wine remaining in the cup after tasting, and the wine in the bottle would therefore not be prohibited. However, it would seem that one should not intentionally create such a situation *le'chatchilla* because of the principle אין מבטלין איסור לכתחילה – one may not deliberately cause a situation where he must rely on *bitul.*

Mevushal wine poured into a cup of non-*mevushal* wine drunk by a non-Jew

The 36) (קכו-יא) **דרכי תשובה**) quotes the אמרי אש, who *passkins* that even if a Jew pours *mevushal* wine into the cup of a non-Jew containing non-*mevushal* wine, the *mevushal* wine remaining in the bottle becomes forbidden. He explains that since the *chiddush* of *nitzok* dictates that the bottom wine is viewed as mixed with the top wine, we view the forbidden non-*mevushal* wine as being mixed with *mevushal* wine. Therefore, if there is not *shishim* in the bottle against the amount remaining in the cup, the bottle is forbidden.

Non-Jewish guest in your house

If there is a non-Jewish guest or a non-religious Jew in your house who finished a glass of wine and asks for more, will pouring him more wine forbid the remaining wine in your bottle?

If the guest is Muslim or a non-religious Jew, the majority of *posskim* permit the wine in the bottle, since the wine remaining in the glass is not forbidden to benefit from. As we learned, the S"A only forbids *nitzok* when the wine in the glass is forbidden both from drinking and benefit. (However, we also saw above that RSZA (25) and Rav Elyashiv (26) forbid the wine, though many *acharonim* have difficulty understanding why.)

If the non-Jew is a Christian or an idol worshiper, both the S"A and the *Rama* forbid the wine remaining in the bottle (when there is not *shishim* in the bottle against the wine remaining in the glass). Although one may be lenient that *nitzok* does not apply in a case of great financial loss, the *Rama* already *passkins* that the wine remaining in a bottle or cup is never considered "a great loss." Furthermore, even if there is *shishim* in the bottle against the wine in the non-Jew's cup, this may still qualify as intentionally relying on *bitul,* which is forbidden. Therefore, when hosting a non-Jewish guest in your home, it is always best to serve only *mevushal* wine. Alternatively, you may use non-*mevushal* wine if you always finish the bottle when refilling the guest's glass.

<u>Pouring in the sink</u>

If you see your non-Jewish cleaning lady pouring wine from a wine bottle into the sink and immediately stop her, is the remaining wine in the bottle permitted? The S"A in **סימן קכו-ד** *passkins* that if a non-Jew pours wine onto cement, into the garbage, or anywhere that it will get dirty, both the poured wine and the wine remaining in the bottle are permitted. The ז) **ש"ך**) writes that even if the non-Jew touches the wine itself as it comes out of the bottle, the wine is permitted. He explains that since the non-Jew is merely disposing of the wine, he views it as water, has no intention for libation, and therefore even touching wine does not forbid it. The S"A adds that if a Jew or non-Jew pour the wine out into the garbage/sink and another non-Jew comes and touches the stream, all of the wine becomes forbidden, including the wine in the bottle, because the second non-Jew who touched the wine may have intended his touching as a libation.

<u>Intentionally touching to forbid</u>

The *Rama* in **קכד-כז** *passkins* that if a non-Jew deliberately touches your wine in order to upset you and render it forbidden, the wine nevertheless remains permitted. The *Rama* even writes that it is best to drink it in front of him to demonstrate that when non-Jews intend to ruin the wine, it remains permitted). The reason for this ruling is because their intention was clearly to forbid the wine and not to perform a libation. Therefore, Chazal did not forbid. The לו) **ט"ז**) relates a story that happened to the תרומת הדשן. There were some non-Jews whispering among themselves, and they then dipped their fingers into barrels of wine and ran off laughing. The Jews chased them and eventually caught up to them. When the Jews asked them, "why did you ruin our wine?" they replied, "we did not know our touch would forbid." The ז"ט concludes that since they whispered and laughed afterward, it was evident that they were lying. Therefore, the wine was permitted.

F. Leaving Wine Unattended with a non-Jew

We will conclude our *limud* of *stam yeinam* by learning the particularly important *halachos* of whether leaving wine unattended with a non-Jew, such as in your house with a non-Jewish cleaning lady, forbids the wine. Does it make a difference if the cleaning lady is Muslim, Hindu, or Christian? Is there a difference whether the bottle is closed or open, or whether the bottle has a cork or a screw cap?

The 37) (:סד **גמרא עבודה זרה**) teaches that one is allowed to leave wine unattended in his store or house with a גר תושב for a short period of time (מייחדין), but one is not allowed to deposit or entrust (מפקידין) his wine with a גר תושב. Rashi explains[10] that there are two main concerns when leaving wine unattended with an idol-worshiping non-Jew. 1) He might come to touch it with intention for libation. 2) He might come to switch it with non-kosher wine. Therefore, if a **גר תושב** is left unattended with kosher wine in a Jew's home or store, there is no concern of libation, as he does not engage in such practices. Additionally, if he is left unattended for only a short period of time, that is not enough time to switch the wine, so there is no concern that the wine was switched.

There are two additional *halachos* that emerge from this Rashi. 1) Wine left unattended in the home of a גר תושב becomes forbidden immediately because he might switch it with non-kosher wine. 2) Wine left unattended with a non-Jew who worships idols, even in the home of a Jew, becomes forbidden immediately out of concern that he touched it with intent for libation.

The S"A in **סימן קכח-א** *passkins* that if an idol-worshiping non-Jew is left alone with wine, even for a brief moment and even in a Jew's home, the wine becomes forbidden to benefit from, because perhaps he touched it with intent to perform libation. In contrast, when wine is left unattended with a Muslim in a Jew's home, its *halachic* status depends on how long it was left unattended. If it was left unattended for the amount of time it takes to walk a *mil*, the wine becomes forbidden to drink (although benefit remains permitted)[11] because during that time the Muslim could have switched it with his non-kosher wine. If the wine was left unattended for less than the amount of time it takes to walk a *mil,* the wine is permitted because he could not have

[10] According to understanding of the בית יוסף.

[11] The ג) ש"ך) quotes the ב"ח who forbids benefiting from the wine as well, because if the concern is that the Muslim switched it with his own wine, perhaps his wine was previously touched by an idol worshipper and it is already prohibited in benefit.

switched the wine in such a short period of time, and there is no concern for libation with a Muslim.

The *Rama* adds that although non-Jews today generally do not perform libations, leaving wine unattended with them, even for a few seconds, still forbids the wine. The ד) **ש״ך**) clarifies that the *Rama's pssak* here is in accordance with the opinion of the רשב״א, who holds that all Christians are considered idol worshipers, and the concern for libation still applies. However, the *Rama* himself would be lenient and allow leaving wine unattended with a Christian in a Jew's home for a short period of time, similar to a Muslim.

The א) **ש״ך**), however, *passkins* that whenever there is reason for concern that the non-Jewish cleaning help may touch the wine for his or her own benefit (e.g., to take a drink), even if he or she does not worship idols, the wine becomes forbidden immediately, since the non-Jew may have touched it directly. This is also explicit in the *Rama* in קכח-ד, who writes that wine left unattended with non-Jews today is permitted, unless there is reason for concern that they touched it for their own benefit. In that case, even if the cleaning help does not worship idols or perform libations, the wine is nevertheless prohibited.

To summarize:

- According to the S"A, leaving wine unattended with a Christian or other idol worshiper, even for a few seconds and even in a Jew's home, immediately forbids the wine both for drinking and benefit.
    - The *Rama* writes that this *halacha* still applies to Christians today, but the ש״ך *passkins* that the *Rama* really holds that Christians today have the same status as Muslims.
- Wine left unattended with a Muslim (or other non-idol worshipping non-Jew) in the home of a Jew for the amount of time it takes to walk a *mil* becomes forbidden to drink but is permitted to benefit from.
    - The ש״ך adds that if there is concern that the non-Jew may drink from the wine or otherwise make direct contact with it for his own benefit, the wine becomes forbidden immediately.

What emerges from these sources is that wine left unattended with a non-Jew either becomes forbidden immediately or, at best, after the time it takes to walk a *mil.* If so, this raises a serious question: how can kosher wine be sold in non-Jewish stores if the wine is left with non-Jews? Furthermore, how can so many Jews leave wine unattended at home with a non-Jewish cleaner for an extended period of time?

There are two possible solutions mentioned in the S"A and the *posskim* that permit leaving wine with a non-Jew. We will briefly introduce both and then delve into each one separately: 1) Either the bottle is double sealed, or 2) someone is יוצא ונכנס. One must ensure that at least one of these is in place in order to be certain that the wine in one's home does not become forbidden when left unattended with a non-Jew.

I. Wine bottle is double-sealed

We will first discuss the status of closed wine bottles left unattended with non-Jews, both those with screw-caps and those with corks, and then discuss the *halacha* of open bottles left unattended with non-Jews.

The S"A in **סימן קל-א** *passkins,* based on the גמרא עבודה זרה (לא.), that one may send wine with a non-Jew if the bottle has two seals, or one seal and a lock. This *halacha* first appears in **סימן קיח-א**, where the S"A *passkins* that a double seal is needed for foods that may be switched with foods that are biblically forbidden, while foods involving only a rabbinic concern require only one seal. Therefore, when sending meat or fish with a non-Jew, a double seal is needed,[12] while only one seal is needed when sending milk. Although the concern with wine is only rabbinic (that it would be swapped with *stam yeinam*), a double seal is needed because non-Jews are passionate about libating and might do so even when the wine is sealed with one seal (see ש"ך קיח-ה).

What is considered a seal and why does it work? The S"A in **סימן קל-ד** explains that loosely placing a lid on a barrel/bottle, as was commonly done when some wine remains, and then covering that lid with cement, is only considered one seal. However, if the lid is tightly fastened (i.e., more than usual) and then covered with cement, it is considered a double seal. The S"A concludes that whenever the bottle is closed in an unusual manner, that is considered one seal, and adding cement or tying the lid provides the second seal. The S"A in **סימן קל-ה** adds that even placing two unusual knots on the bottle is considered a double seal.

Rav Moshe (38) in אגרות משה (יו"ד ח"א-נו) explains based on **Rashi** (and this is also how the ש"ך (סימן קל-ח) explains) that a seal works because it entails great effort to duplicate or remove. Therefore, Rav Moshe writes that if forging the seal is almost impossible, then even if it is easy to remove, and even if the non-Jew owns the wine, it is automatically considered a double seal since it would take great effort to copy. However, this type of seal is only valid if the owner of the wine (or the Jewish consumer) is able to identify the seal.

[12] For this reason, kosher meat is generally sold with packaging as well as a hologram, and when ordering take out, the delivery bag is stapled and usually taped with the *hashgacha* tape.

A. Screw-on caps



Based on the above, bottles that are sealed with screw-on caps (see image) whose safety ring separates from the cap when opened may be left unattended with a non-Jew. Although there is technically only one seal, once the bottle has been opened, it is immediately apparent to the consumer because the safety ring can no longer remain attached to the cap. Some of the Moscato and cheaper wines are sold with this type of cap, in which small teeth connecting the ring to the cap break when the bottle is opened. Therefore, such bottles may be sold in a non-Jewish store, and certainly, may be left unattended in the home of a Jew where non-Jewish cleaning help is present.

Indeed, the ***Steipler*** in 39) (עמ פג) ארחות רבינו ח״ג) *passkins* that such a cap is considered the equivalent of two seals. The 40) (ח״ד-מד:מג) **מראה דבר**) explains further that restoring the cap to its original condition together with the ring would require the non-Jew to return it to the winery, where the caps are made. Since it is much easier simply to purchase another bottle of wine, there is no concern that the bottle was opened and resealed