



Halacha Highlight

Overview

Declaring meat for use on Pesach

Shulchan Aruch Siman 469 Seif 1
בשר זה לפסח

This meat is for Pesach

Siman 469 Seif 1:

It is prohibited to declare upon any animal, whether alive or dead, "This meat is for Pesach," since it gives the impression that one is sanctifying it while yet alive for the Korban Pesach and he would then be eating sacred food outside of its designated area. Rather, one should say, "This meat is for Yom Tov." A kid that is roasted whole with its head and legs on the intestines (מקלס) may not be prepared even though he did not specify that the meat is for Pesach as will be discussed in *siman 476*. It is permitted to declare, "This wheat will be used for Pesach."

- ❖ This declaration is prohibited even for animals that are not fit for the Korban Pesach since people will suspect that one sanctified the animal while alive to use the proceeds of its sale for the Korban Pesach and if one eats it, it will give the impression that he is eating a sacred animal outside of its designated place. For this reason one should not ask a friend to roast a זרוע for him for Pesach. Some *Poskim* are stringent even regarding fowl and fish since one could sanctify their value to be used for the Korban Pesach and *l'chatchila* one should not declare that they are for use for Pesach. (M.B. 2)
- ❖ It is also prohibited to give someone money and instruct him to purchase meat for Pesach. (M.B. 3)
- ❖ In *siman 476* the prohibition against eating meat prepared in this manner is discussed and here the prohibition against making such meat is addressed and the prohibition is based on the fact that this is the manner in which the Korban Pesach was prepared. (M.B. 5)

Shulchan Aruch writes that it is prohibited for one to declare, "This meat is for Pesach." The reason is that it gives the impression that one sanctified the animal for use for the Korban Pesach and then if one eats the meat he would be in violation of the prohibition against eating sacred foods outside of their designated area. This restriction applies to all animals regardless of whether they are still alive or already slaughtered. Even if the animal is not fit for use as the Korban Pesach the restriction applies since the concern is that he sanctified the monetary value of the animal to be used to purchase an animal for the Korban Pesach. Mishnah Berurah (סק"ב) even mentions that there are *Poskim* who are stringent and do permit one to make such a declaration on fowl or birds. Although many other authorities reject this ruling, Mishnah Berurah writes that *l'chatchila* one should be stringent and avoid making such a declaration.

Mishnah Berurah (סק"א) rules that this restriction applies *l'chatchila*, meaning that one should not make such declarations. but *b'dieved* if such a declaration was made the meat is not prohibited for consumption. The reason for leniency, explains Aruch HaShulchan (סעי' א') is that everyone knows that he was merely employing an expression that people commonly use and did not intend to sanctify the meat. Shulchan Aruch HaRav (סעי' ב') adopts a stringent position and in an extenuating circumstance where prohibiting the meat would constitute a significant financial loss one should not eat the meat, although it is permitted for benefit. Rav Shlomo Zalman Auerbach (הליכות שלמה פסח פ"ב דבר הלכה אות ב') writes that whenever it is evident from the way one spoke that he did not intend to sanctify the meat, it is permitted. Therefore, for those people who refer to the

Yom Tov as Paisach (with a צירי) and the *korban* would be called Pesach (with a סגול) there is no restriction since it is evident from the manner in which he spoke that he was referring to the Yom Tov rather than to the *korban*.