The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שי"ט סעיף ג'

Overview

Siman 319 Seif 3:

If there are two foods intermingled one may select one from the other, leaving (the second food, if his intent) **to eat the first food immediately.** Two species of fish are considered two foods and it is prohibited to select one from the other unless it is done by hand with the intent to eat it immediately and this is true even though the pieces are large and each one is discernable by itself. When the mixture is comprised of a single food, even though one selects the large pieces from the small pieces, it is not considered selecting. Even if there are two varieties intermingled and one selects the large pieces from the small pieces or vice versa, it is permitted since one is not selecting one variety from the other. **If one selected and put the selected food aside for later, even for use the same day, for example, he selected in the morning to eat the selected food in the afternoon, he is liable.**

- In other words, the food he wishes to eat now is the "food" and the other food is the "refuse." (M.B. 12)
- Selecting applies since the foods are not arranged where each one is distinct by itself and instead they are intermingled together. (M.B. 14)
- If some of the pieces of fish were burnt or if some are from a dead fish and others from a live fish, the *melacha* of selecting applies. If sweet and sour apples are intermingled, Pri Megadim is uncertain whether the *melacha* of selecting applies. Even if the sour apples are edible with difficulty it may be Rabbinically prohibited. Taz adopts a stringent position even regarding a single food prohibiting one from selecting the one he wishes to eat at that time but many other authorities disagree. Roasted and cooked meat represents different varieties of food. Later authorities write that the *melacha* applies even to clothing and utensils. It is possible that when many garments hang on a wall and while one searches for the garment he wishes to wear he must push aside the other garments, he has not violated the prohibition of selecting. Similarly, if different varieties are intermingled on a plate and the variety that one wants is on the bottom, removing the varieties on top to reach the variety that is covered is not a violation of selecting. (M.B. 15)

Halacha Highlight

What constitutes a mixture?

Rema Siman 319 Seif 3
וכל אחת נכרת בפני עצמה
And each one is discernable by itself

Rema rules that two varieties of fish are considered two different foods and thus the issues of selecting apply. Therefore, one may not select one variety from the other unless he does the selection by hand in order to eat it right away. This is true even if the pieces of fish are large and one could easily discern one variety from the other. Mishnah Berurah (ס"ק י"ד) explains that Rema's intent is that whenever the two varieties are intermingled rather than arranged so that each variety is separate and distinct from the other, the prohibition of selecting is in force.

Interestingly, Mishnah Berurah as well as other earlier *Poskim* don't clearly define when two foods are considered intermingled so that one has to be attentive to the prohibition of selecting and when foods are considered separate and distinct, so that the prohibition of selecting does not apply. Rav Nissim Karelitz (חוט שני ח"ב פכ"ה סק"ג) suggests that there is no well-defined definition for what constitutes intermingled and it will always depend upon people's perception. In other words, when people look at the two items do they see the items intermingled or do they see the items are separate and distinct? Sefer Shvisas Shabbos writes that when dealing with a small quantity of items such as two or three pieces, the mixture does not qualify as items that are intermingled and the prohibition of selecting does not apply.

Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פ"ג הע' צ"ד) permits shaking out the seeds from a melon that was cut open. He even permits removing the seeds that remain after shaking out the majority of seeds since he contends that the seeds are resting on top of the melon rather than intermingled with the melon and thus the prohibition of selecting is not in force. Rav Karelitz (שם סק"ה) on the other hand, only permits shaking out the seeds once it is opened but the seeds that remain are subject to the prohibition of selecting and may only be removed in accordance with the permissible manner of selecting on Shabbos.