The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שכ"ג סעיף ד'-ה'

Overview

Siman 323 Seif 4:

A person may ask a merchant for four eggs and five pomegranates provided that he does not mention the price, the measure or the new total that is owed, for example, "I already owe you for 50 nuts. Give me another 50 and I will owe you for 100." Regarding the mention of money it is also prohibited in this manner where the customer says, "give me "x" dollars worth and I will now owe you "y" but if one expresses himself differently it is permitted. The same is true concerning the mention of the measure, it is prohibited only in this manner but if he expresses himself differently, it is permitted. Although it is prohibited to mention the price, that restriction applies for items that do not have a set price but if the item has a set price and one merely mentions how much he needs, it is permitted provided that he does not mention the total. Even though there are authorities who adopt a stringent position regarding this issue, the custom for leniency has spread in accordance with the rationale that was mentioned.

- One may not purchase eggs even in this manner from a gentile since they may have been laid today and would then be muktzah. (M.B. 12)
- For example, it is prohibited to ask for items equal to such and such an amount of money and certainly one may not mention the total cost. (M.B. 13)
- Gra writes that the text is in error and it should read ולא שם מדה meaning that one may not mention a measure and certainly not the total measure adding together smaller measurements that were made. (M.B. 14)
- Rema disagrees with Shulchan Aruch and he maintains that what is prohibited is to mention the total amount but not smaller amounts and he should have introduced his comments with the words יש אומרים but sometimes he does not use those introductory words. (M.B. 16)
- All that is prohibited is to mention the new total measure that is owed but when he mentions that he wants a particular size his intent is to explain what he needs but not that it should be measured precisely. (M.B. 17)
- This leniency is limited to the customer who does not violate any prohibition by mentioning the name of the measure that he would like. (M.B. 18)
- In other words, the restriction against mentioning the price is limited to those items that do not have a fixed price but when an item has a fixed price it is assumed that it was mentioned just to indicate how much the customer is interested in taking but they are not totaling how much money is owed. (M.B. 19)
- A number of authorities maintain that one should not mention the price or the measure altogether but one need not protest against those who adopt a lenient position, however, one should adopt the stringent position concerning this matter. The practice to keep a record of how much credit each customer has and then on Shabbos to use a pin to record how much should be deducted after a "purchase" is prohibited as is the practice of placing notes which have written on then amounts of money next to paper's with the customer's names. It is permitted to place a seed next to a person's name to serve as a reminder. A *gabbai tzedaka* may be permitted to place notes next to people's names since it relates to a *mitzvah* but one should be stringent even in this case and should use the seed method instead. (M.B. 20)

Siman 323 Seif 5:

One who transports jugs of wine from one place to another should not transport them in a basket or box as he would during the week, instead he should transport them in front of himself or on his shoulder or something similar so that he deviated from the way it is transported during the week even though the deviation does not lighten his burden. If he can not deviate, for example, he invited many guests and must rush to bring them wine, it is permitted. Some maintain that the preference is to limit one's walking, therefore, it is better to bring the jugs in a basket or box at once than to carry them one at a time.

- Meaning he would place three or four jugs in a box to transport them. (M.B. 21)
- In *siman* 510 we follow this latter opinion. If one transports them in a public place all opinions agree that he should limit the quantity that he carries at a time since it appears as though he is transporting the jugs for use during the week. (M.B. 25)

Halacha Highlight

Keeping track of sold merchandise

Shulchan Aruch Siman 323 Seif 4

מתר לומר לחנוני

It is permitted to say to a merchant

Shulchan Aruch and Rema (סע' ד') disagree whether it is permitted to mention a denomination of money without mentioning the total amount of money that is owed, and similarly there is a disagreement whether it is permitted to mention a measure that one wants without mentioning the total that one will now owe. Shulchan Aruch maintains the stringent position, whereas Rema adopts a lenient view. Rema concludes by noting that although there are authorities who are stringent about these matters, nevertheless, the custom to be lenient has spread. Mishnah Berurah (סק"כ) then relates that there are numerous authorities who maintain that one should avoid mentioning any denomination or measure but nevertheless, one need not protest against those who follow the lenient position. One should, however, make an effort to comply with the stringent position and avoid mentioning the denomination or measure.

Mishnah Berurah discusses the practice some merchants had to keep track of purchases that are made on Shabbos. One method was to record on a piece of paper each customer's name and the amount of money he already paid. On Shabbos as each customer takes wine the merchant inserts a pin into that paper to keep track of how much each customer took. He rules that this practice is prohibited since it is prohibited to look at documents that record financial information since it is prohibited to read secular documents. Furthermore, he explains that *l'chatchila* even making such holes is prohibited. Although Mishnah Berurah does not mention this here, just as one should avoid making holes in the paper to keep track of how much wine each customer took, so too, one should also not use his fingernail to leave a mark on the paper to keep track of the how much wine each customer took since that is also a permanent mark that is prohibited (מ"ב סי' ש"מ ס"ק כ"ה).