The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ה סעיף ב'-ה'

Overview

Siman 335 Seif 2:

If a barrel breaks on a roof one may bring a utensil and place it beneath it provided that one does not bring another utensil to collect the stream as it travels through the air after it falls from the roof. One may also not bring another utensil and place it near the rooftop. If one will salvage the wine in a single utensil it is permitted to catch it in the air or place it next to the roof.

- When he runs to obtain additional utensils there is a concern that he will forget it is Shabbos and will transport them through the public domain. This restriction applies when one wishes to salvage more than three meals worth of food but one may salvage three meals worth of food in any manner he chooses although Pri Megadim is stringent in all circumstances if one intends to catch the wine in the air or place the utensil next to the roof. (M.B. 9)
- One may also salvage more than three meals worth of food because since he is only permitted to use a single utensil he will be reminded that it is Shabbos. (M.B. 10)

Siman 335 Seif 3:

If guests arrive one may bring one utensil to catch wine in the air and one utensil to place next to the roof. One may not catch wine in the air and place a utensil next to the roof and then invite guests nor may one employ subterfuge by inviting guests who do not need to eat. However, if one did so, meaning he caught wine in the air and then invited guests the wine is permitted.

- Magen Avrohom asserts that Rambam permits the use of subterfuge. (M.B. 11)
- If one did not invite guests the implication is that the wine is prohibited until after Shabbos but if it was done *b'shogeg* even the person himself may benefit from the wine on Shabbos. (M.B. 12)

Siman 335 Seif 4:

If wine flows from a container containing grapes that were not yet pressed and those drops are not fit since juice that flows from a fruit on its own is prohibited, therefore, one may not place a utensil beneath it since that nullifies the utensil from its potential use. What can be done? One may place his bed or table where it is dripping so that the drops become categorized as a chamber pot which then permits one to place down a utensil to catch the drops so that it should not become muddy. When the utensil becomes full one may not pour the contents into another utensil and nullify it, rather one should pour it back into the barrel from which it flowed since that is already nullified by virtue of the liquid that is already there that flowed from the grapes.

- Shulchan Aruch refers to where the barrel did not break entirely so that the wine is only dripping out. (M.B. 13)
- Darkei Moshe suggests placing a utensil with water under the dripping wine so that each drop becomes nullified in the water. (M.B. 15)
- Although generally it is not permitted to make a *graf shel rai'i*, in this circumstance where he would suffer a loss it is permitted. (M.B. 16)

Halacha Highlight

Gathering scattered fruit

Shulchan Aruch Siman 335 Seif 5

נתפזרו לו פרות בחצר

If fruit scattered in one's yard

Shulchan Aruch (סעי' ה') discusses gathering fruit that scattered in one's yard. He distinguishes between a circumstance in which the fruit scatters all over the yard and when the fruit falls into a single location. When the fruit scatters all over the yard one may only gather small quantities of fruit in order to consume them and it is not permitted to place the gathered fruit in a basket or box. In contrast, if the fruit fell into a single location it is permitted to place them even into a basket or box. The one restriction is that if the fruit fell into dirt and pebbles one may only gather fruit that one intends to eat but one may not gather fruit to be placed into the basket and box. Mishnah Berurah (ס"ק י"ז) explains that in all cases where it is prohibited to gather the fruit into a basket or box the rationale is that it represents a weekday activity (עובדא דחול). Rav Nissim Karelitz (חוט שני ח"ב פכ"ג סק"א) explains that gathering scattered fruit appears as though he is performing the task of those who gather fruit from an orchard. For this reason it is permitted to gather children's toys that become scattered in one's home, even if the toys are made from produce that grew from the ground since it does not appear as though one is performing a weekday activity. Teshuvas Or L'Tzion (ח"ב פמ"ג תשובה ז') contends that it is permitted for one to use his foot to gather the scattered fruit to a single location so that he can then gather together the fruit by hand and place it into a basket.

Elsewhere (סי' ש"מ ס"ק ל"ז) Mishnah Berurah writes that it is permitted to gather fruit and other produce that grew from the ground that scattered inside of one's home and instructs the reader to look in our *seif* for further information. Teshuvas Az Nidbaru (ח"י"ד סי' י"ז) explains that his intent is that although it is permitted to gather fruit that scattered in one's house it is only true if it is not a large quantity of fruit that scattered but if a large quantity of fruit scattered, it is prohibited since even in one's home it could constitute a weekday activity.

Siman 335 Seif 5:

If fruit scattered in the yard, one here and one there, it is permitted to gather small quantities and eat it but one may not place them in a basket or box. If they fell in one spot one may place them in a basket unless they fell into pebbles and dirt in which case one may only gather small quantities to eat but they may not be placed in a basket or box (See above *siman* 319).

- Placing the fruit into the basket is considered a weekday activity as opposed to where they fell in one spot but gathering them from dirt and pebbles always resembles a weekday activity when they are then placed into a basket and thus it is prohibited even if one intends to eat them immediately. (M.B. 17)
- Gra maintains that it is actually necessary to consume the fruit and they may not be placed into one's garment. (M.B. 18)