The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקט"ז סעיף א'-ג'

Overview

Siman 516 Seif 1:

It is permitted to send to a friend on Yom Tov an animal, whether domesticated or not, a bird, even if it is alive as well as wine, oil, fine flour and beans but nor grain since grain must be ground which is a prohibited *melacha* on Shabbos.

- It is permitted even if one knows that his friend will not slaughter the animal since he has the option to slaughter it. (M.B. 1)
- According to Shulchan Aruch who maintains that *muktzah* applies on Yom Tov he refers to animals that are not intended to produce offspring as well as regular fowl. (M.B. 2)
- Even though grain can be eaten whole, since generally grain is ground into flour and grinding grain is prohibited on Yom Tov, it appears as though the gift is intended for the weekday. (M.B. 4)
- Although barley is eaten by animals whole, since most barley is consumed by people after it is ground, it is prohibited. If one's friend intends to feed his animal whole barley on Yom Tov it is permitted to send it to him if there is an *eruv* since *melacha* may not be performed for the sake of an animal. Some authorities adopt a lenient approach to these matters. (M.B. 5)

Siman 516 Seif 2:

Items that may be sent on Yom Tov may not be sent in a "row," which is comprised of three or more people following one another carrying the same item. If each one carries a different item it is permitted.

- It gives the appearance that it is being transported to the market and applies even if they go through a *mavoi*. (M.B. 6)
- Some authorities are stringent even when they do not walk consecutively. (M.B. 7)

Siman 516 Seif 3:

One may send garments even if they are not sewn since one can lean on them. This is permitted even if the garment contains *sha'atnez* provided that the material is stiff. One may send *tefillin* since they can be worn during the week. Anything similar may be sent even through a public domain.

- One may not send an incomplete shoe since it has no use even during the week. (M.B. 9)
- Although it is prohibited to send items on Yom Tov that will not be used, since the sender enjoys sending such a gift, it is considered *simchas yom tov* to send it. (M.B. 12)
- There is a discussion whether it is permitted to send gold or even silver jewelry on Yom Tov. (M.B. 15)

Halacha Highlight

Sending a live animal and *tefillin* as a gift

Shulchan Aruch Siman 515 Seif 1
מתר לשלח לחברו ביום טוב בהמה

It is permitted to send to a friend on Yom Tov an animal

Shulchan Aruch (סע' א') rules that it is permitted to send an animal as a gift to a friend on Yom Tov. Although gift giving on Shabbos and Yom Tov is generally prohibited since it resembles commerce, nevertheless, when the gift could be used by the recipient on Shabbos or Yom Tov, it is permitted (מ"ב לעיל סי' ש"ו ס"ק ל"ג). Even if the animal is alive it may be sent to a friend as a gift since the recipient could slaughter it on Yom Tov. Furthermore, even if one knows that the recipient will not slaughter the animal on Yom Tov, it is permitted to send him an animal as a gift since if he wanted, he could slaughter and eat the animal on Yom Tov (מ"ב סק"א). Aruch HaShulchan (סע' א') notes that the allowance to send a live animal as a gift on Yom Tov is limited to where it is sent early enough in the day that the recipient could slaughter, salt and cook the meat before eating it. If the recipient will not have sufficient time to perform all of those tasks, it is prohibited to send him a live animal as a gift.

Aruch HaShulchan (סע' ד') points to a *halacha* that seemingly contradicts the above prerequisite. In *seif* 3 Shulchan Aruch rules that it is permitted to send someone *tefillin* as a gift on Yom Tov even though it is clear that the recipient will not be able to use the *tefillin* on Yom Tov since they are not worn on Yom Tov. Mishnah Berurah (ס"ק י"ב) explains that it is permitted since the giver enjoys giving the gift and for him it is considered *simchas yom tov*. However, why can't the same be said concerning the gift of an animal and it should be permitted even if there is not sufficient time to slaughter, salt and cook the meat? Aruch HaShulchan answers that although *tefillin* are not worn on Yom Tov, they are in a state of readiness for their purpose. In contrast, a live animal is not fit to be consumed as is and thus if there will not be sufficient time to put it into that state, it may not be sent as a gift.