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

Overview

Siman 539 Seif 7:

Concerning one who wishes to lend money upon the security of an item or merchandise, on condition that if it is not repaid after eight days it will belong to the lender, there are authorities who permit this and others who prohibit this.

- It is a loan rather than trade. (M.B. 26)
- This will lead to people performing all sorts of transactions to take effect after the *moed*. One should follow the stringent position but there is no reason to protest against those who follow the lenient position. (M.B. 27)

Siman 539 Seif 8:

If an idolater wishes to repay a loan with wine, it is permitted to accept the wine as payment since it is considered a *davar ha'avud*.

Siman 539 Seif 9:

Someone who must purchase wine during the harvest season for the entire year and if he waits will not find wine as he finds it now may purchase the wine and prepare barrels and caulk them since it is considered a *davar ha'avud* provided that he does not plan to do these *melachos* during *chol hamoed*. However, he may not purchase more than he needs. If it is a circumstance in which he will not be able to make a profit later on, it is permitted.

- Meaning, he won't find wine this cheap after the *moed*. (M.B. 29)
- In other words, he may only purchase wine that will be consumed this year. (M.B. 31)
- Wine will not be available after the *moed* that could be used to earn a profit and thus it is permitted to purchase it during the *moed* since it is comparable to a market or fair. If it will be available but for a higher price and he will not earn as much of a profit, it is prohibited. Some permit purchasing wine if it is very cheap so that he will make a large profit and the opportunity will not be available after the *moed*. (M.B. 32)

Siman 539 Seif 10:

Dealers of spices, vegetables or other perishable items may open up their store and sell their merchandise publicly since everyone knows that it will be used during the *moed*.

- Authorities agree that the same is true concerning dealers of fragrant items, for even though they are not perishable, they will be used during the *moed*. It is also permitted to sell to gentiles. (M.B. 33)

Siman 539 Seif 11:

Fruit, clothing and utensil dealers may sell privately for the needs of the *moed*. For example, if a store opens to a corner or to a *mavoi*, it may be opened in the normal manner but if it opens to the public domain he may only open one door and the other must remain closed. On *erev* the last day of Sukkos he brings out his merchandise to crown the market with fruit to honor Yom Tov. (It is permitted to purchase items needed for the second day of the last days of Yom Tov.)

- Only merchants with stores must open in private but someone who sells from his home may sell merchandise in the normal manner. (M.B. 34)
- It is prohibited to sell other items even if one sits by the entrance to the store that is closed with the door open. (M.B. 36)
- Crowning the market with fruit is done only *erev* the last days to honor Shemini Atzeres but one may publicly sell necessary items even *erev* the last days of Pesach. (M.B. 37)
- Rav Akiva Eiger permits doing *melacha*, e.g., cooking, for the 2nd day of Yom Tov. (M.B. 39)

Halacha Highlight

Opening a store to sell *moed* related items

Shulchan Aruch Siman 539 Seif 11

מוכרים בצנעה לצרך המועד

They may sell in private items needed for the *moed*

Shulchan Aruch (סע' י"א) rules that merchants who sell fruit, clothing or utensils that are needed for the *moed* may sell their merchandise in private. This means that if the store opens to the public domain he may only open one door but the other door must remain closed. If the store opens to a corner or to an alleyway he may open it in the normal manner since it is already considered private. Rav Nissim Karelitz (חוט שני חול המועד עמ' ר"י"ט אות ז') further explains that a place that has a lot of traffic is not considered private, even if the store is on the second floor of the building. However, one located in a residential building is considered private. Rav Karelitz also writes (שם) that there is no prohibition against purchasing items in a store that is open in public, in violation of this *halacha*. However, if by refraining from entering the store one will effectively rebuke the storeowner, he must refrain from buying items there.

Rav Shmuel HaLevi Wosner (שו"ת שבט הלוי ח"ח סי' קכ"ו) ruled that it is permitted for a *makolet* owner to sell fruits and vegetables in his store during *chol hamoed*. Since people generally buy in small quantities, it is evident that the purchase is for the *moed* and thus permitted. Wholesalers, on the other hand, may not sell since they sell in large quantities that will not be consumed during the *moed*. Rav Karelitz (חוט שני הנ"ל) and Rav Yosef Shalom Elyashiv (ספר הזכרון מבקשי תורה חול המועד עמ' תע"ב) maintain that once a store is permitted to open because it sells items that are needed for the *moed*, they may also sell items that are not needed for the *moed*. Rav Karelitz explains that the question is whether a store is permitted to open or not. Once it is permitted for the store to open there is no restriction against selling even non-*moed* related items.