

Bava Basra – Simanim

דף צו – Daf 96

פרק ו – המוכר פירות

1. Wine examined to use for *terumah*, which was later found to be vinegar

Rav Yosef quoted a Baraisa to prove the status of wine which tastes like wine but smells like vinegar: if one examines a barrel of wine to separate *terumah* from it for his other wine, and later it was discovered to be vinegar, – *מכאן ואילך ספק* – *all three days its status is certain*, but *beyond that*, its status is *uncertain*. This is interpreted three ways: (1) Rebbe Yochanan said that the first three days, it is certainly wine (and *terumah* taken then was effective), and thereafter its status is doubtful. He holds – *חמרא מעילאי עקר* – *wine turns sour from the top* of a barrel, so his tasting it determined it had not begun to sour at all. Therefore, even if it began souring immediately after, it would have the smell of vinegar and the taste of wine, and Rebbe Yochanan holds: – *כל ריחיה חלא וטעמיה חמרא* – *wherever its smell is vinegar and its taste is wine, it is considered wine*. (2) Rebbe Yehoshua ben Levi says the final three days it is certainly vinegar, and beforehand its status is uncertain. He holds wine which smells like vinegar is considered vinegar, so the last three days it was definitely vinegar. (3) The scholars of the South quote Rebbe Yehoshua ben Levi saying the first three days are certainly wine, and the last three days are certainly vinegar. They hold conceptually like Rebbe Yochanan, but discuss where it was discovered strong vinegar, which must have been vinegar for three days.

2. המוכר חבית יין לחברו והחמיצה

The Gemara says: – *המוכר חבית יין לחברו והחמיצה* if *one sold wine to his friend and it turned to vinegar*, Rav says: – *ברשות מוכר* – *if this was discovered during the entire first three days*, it is considered to have spoiled *in the seller's possession*, and the sale is void. Since the souring process takes three days, it must have begun to sour before the sale (and even if it *halachically* was still considered wine, the sale is still void since it will definitely become vinegar). – *מכאן ואילך ברשות לוקח* If it was discovered *afterwards*, it is assumed to have spoiled *in the buyer's possession*, and the sale is valid. Shmuel says: *חמרא אכתפא דמאריה* – *wine "jumps" upon its owner's shoulder*. The Rashbam explains that wine can turn to vinegar in less than three days if its owner is deserving of punishment. Therefore, the buyer is not reimbursed even if it was found to be vinegar within three days of its purchase, since it may have begun after the purchase. Rav Yosef ruled like Rav regarding beer, and like Shmuel regarding wine.

3. שמרים שיש בהם טעם יין

In a Baraisa, the Tanna Kamma says about date-beer, barley-beer, and – *שמרי יין* – a drink made by soaking *wine lees* (grape residue) in water, that their *berachah* is *שהכל נהיה בדברו*. Others say: – *שמרים שיש בהם טעם יין* – for a drink from *שמרים* which has the taste of wine, its *berachah* is *פרי הגפן*. Rabbah and Rav Yosef say the *halachah* does not follow the "others." Rav explains that if – *רמא תלתא ואתא ארבעה* – *he poured three cups of water onto the שמרים and four cups emerged*, everyone agrees it is considered wine, because one-fourth of the drink is from the שמרים. This is based on Rava's opinion elsewhere, that wine must be *דרי על חד תלת מיא* – *able to bear three parts water to one part wine* to be considered wine. If only three cups emerged, it is definitely not wine. They argue where three and a half cups emerged, where the Rabbonon hold the same three cups of water he poured in emerged, and only a half-cup was produced by the שמרים, which is a ratio of one to six, and not considered wine. The "others" hold two and a half cups of water emerged, and the remaining cup was produced by שמרים, and this ratio is sufficient to be considered wine.

Siman – Town Crier (Who proclaims the king's commandments)

The town crier hired by King's Wine Store to proclaim, "If it smells like vinegar but tastes like wine, it's fine as wine regarding *terumah*," watched an irate customer come to return a bottle of wine that turned to vinegar within the first three days, as another customer was making a *שהכל* on a drink made from grape residue and water.



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3 things to remember

1. Wine examined to use for *terumah*, which was later found to be vinegar
2. המוכר חבית יין לחברו והחמיצה
3. What is the *berachah* for שמרים שיש בהם טעם יין

