

A tea strainer

Is it permitted to use a vessel for tea essence with a strainer that prevents the tea leaves from pouring out?

When there is a large amount of tea in the vessel, it is permitted to pour it out through the filter

The tea leaves are at the bottom of the vessel, and the liquid above them is not mixed with the leaves. This is comparable to the ruling of the *Shulhan Arukh* in the case of a wine container with sediment at the bottom (319:14, based on Gemara 139b):

It is permitted to pour gently from one vessel to another, provided that when the flow stops and the small drops begin emerging from the waste, one should



A tea strainer may be used when there is a large amount of tea in the vessel. Those who are lenient even when there is a small amount of tea in the vessel have authorities upon whom to rely.

stop and leave them with the sediment. If he does not do so, these drops indicate that he is Selecting.

The *Shulḥan Arukh* permits pouring wine gently from one vessel to another, since the wine on the top is not mixed with the sediment and Selecting is not performed with them. Similarly, it is permitted to pour it through a filter, provided there is a **large amount** of tea in the vessel, because the tea above is not mixed with the tea leaves below and it does not require filtering.

However, the *Shulḥan Arukh* emphasizes that when the flow of liquid ceases and only a small amount of wine, which is mixed with the sediment, remains, it is prohibited to pour liquid from one vessel to another, as the person thereby selects the wine from the sediment. Similarly, when there is a **small amount** of tea in the vessel, it is prohibited to pour it through the filter, as in doing so, one is selecting liquid from the leaves. Although the *Mishna Berura* writes that it is permitted if one drinks the wine immediately, he is referring specifically to a case where one pours from one vessel to another without a filter, as that is selecting food from waste **by hand** and for immediate use. If one utilizes a filter, this is selecting **with a utensil**, which is prohibited even for immediate use, as the *Mishna Berura* himself writes (55):

This is referring to one who wishes to drink later, as, if the intent is to drink it immediately, the *halakha* is that selecting food from waste not with a utensil is permitted when the intent is to eat immediately. Here, although one is pouring from one vessel to another, the essential selecting is performed by hand. If one placed slivers at the mouth of the vessel into which it is being poured so that it would filter well, this is prohibited even for immediate use, unless the person stops when the drops begin to fall, as this is considered selecting with a vessel.

Using a tea strainer is comparable to placing slivers at the mouth of the second vessel; therefore, if there is only a small amount of tea in the vessel, it is prohibited to pour it through the filter, as this is considered separation of liquid from the leaves with a utensil.

When there is a small amount of tea in the vessel, it is prohibited to pour it through the filter

Hazon Ish: There is room for leniency even when there is only a small amount of tea in the vessel

By contrast, the *Hazon Ish* is inclined to permit use of a tea strainer even when there is only a small amount of tea in the vessel (53, s.v. *min haamur*):

However, it is possible that despite the fact that inside near the spout of the vessel there is a netting of sorts that prevents the leaves from pouring out with the liquid, since there is no actual use of a sifter here, one could say that this is merely a case of **Selecting by hand**, which is permitted when removing food from waste for immediate consumption.

Rav Shlomo Zalman Auerbach: It is permitted to select with a vessel that is designated for selecting for immediate use

Why, according to the *Hazon Ish*, is the use of this filter equivalent to Selecting by hand? This can be explained on the basis of the reasoning of Rav Shlomo Zalman Auerbach (*Shemirat Shabbat KeHilkhata* 3, note 125) that a vessel specifically designated for selecting for immediate use is not included in the prohibition of **Selecting with a utensil**:

I heard from the Gaon Rav Shlomo Zalman Auerbach... that a vessel which is designated exclusively for selecting for immediate use might not be included in the prohibition of selecting with a vessel... Just as it is permitted to select by hand because it is part of the eating process, and for the same reason it is also permitted to peel even waste from food with a knife... in this case, too, one could say selecting is permitted with a utensil that is exclusively for immediate use.

On this basis, it could be argued that as the tea strainer is always used for immediate drinking, its usage is considered selecting by hand. This is in contrast to an ordinary sifter or a spoon, which are at times used in selecting for later, and therefore, selecting with them is considered selecting with a utensil.

Many *Aharonim*: It is prohibited to use a tea strainer when there is only a small amount of tea in the vessel

However, numerous *Aharonim* rule stringently in this regard and prohibit use of a tea strainer when there is only a small amount of tea in the vessel. This is apparently the opinion of the *Haye Adam* (16:9), and the *Kaf HaHayim* agrees (319:113):

There is a vessel... in which one prepares a drink called tea from a plant, and this vessel has two openings. One is wide, while the

other mouth is narrow and covered, but the covering has small holes so that the liquid can pass through that opening but the tea leaves cannot, and they remain in the vessel. The liquid passes through these holes in the opening clear, without any leaves. It appears to me that it is prohibited on Shabbat to pour the liquid through that small, perforated covering, as it is considered filtering the liquid through that opening. Since that small opening is designated specifically to filter liquid, this is tantamount to selecting by means of a utensil, which is prohibited even for immediate drinking.

Shevet HaLevi (1:84) and *Berit Olam* (*Borer*, 40–44), among others, rule similarly. *Az Nidberu* (1:23) writes that not even the *Hazon Ish* permitted one to do so in practice; but he merely wrote: “one could say,” as a contention in a halakhic discourse. By contrast, testimony is cited in *Orehot Rabbeinu* that the *Hazon Ish* and the *Kehilot Yaakov* would actually pour from a pitcher of that kind without regard for the amount of tea remaining.

The *Shevitat HaShabbat* writes that there is room for leniency with regard to a tea strainer, for a different reason (*Borer, Be'er Rehovot* 26):

People pour the clear tea liquid from a vessel . . . which has a spout like a strainer to prevent the tea leaves from pouring out . . . it is possible that the reason it is customary to be lenient in this regard is because it can be drunk in that state, even with the leaves there, by filtering them with one's teeth.

In other words, since it is possible to drink the tea with the tea leaves **and filter the leaves with one's teeth**, the tea is considered a liquid fit for drinking without filtering, and therefore it is tantamount to **clear water**, which may be filtered. A similar idea is written in *Ketzot HaShulhan* (125, *Badei HaShulhan* 21). In *Yehaveh Daat* (2:51) it is also written that as most people do not mind if a few tea leaves are in their cup, and simply filter with their teeth any that enter their mouth, the water is considered clear and may be filtered even with a strainer.

Another reason for a lenient ruling: The tea can be drunk with the leaves

SIFTING

Practical halakha

IN CONCLUSION: It is permitted to use a vessel designated for tea essence, which has a filter. However, one should be stringent and not use that filter when only a **small amount of tea** remains and the tea granules are completely mixed with the water. Nevertheless, one who is lenient in this regard has authorities upon whom to rely.