



# HILCHOS TA'ARUVOS

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Issur V'Heter

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SUMMARIES





# HILCHOS TA'ARUVOS

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Summaries

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כָּל הַשּׁוֹנֶה הִלְכוֹת בְּכָל יוֹם -  
מִבְּטָח לוֹ שֶׁהוּא בֶּן עוֹלָם הָבָא,  
שֶׁנֶּאֱמַר "הִלְיָכוֹת עוֹלָם לוֹ",  
אֵל תִּקְרִי 'הִלְיָכוֹת'  
אֶלָּא 'הִלְכוֹת'.

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# **PRINCIPLES OF HILCHOS TA'ARUVOS**

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# Hilchos Ta'aruvos

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## What are Hilchos<sup>1</sup> Ta'aruvos<sup>2</sup>?

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The halachos of Ta'aruvos include 14 *simanim*, where the Shulchan Aruch deals with the halachos of forbidden food which mixed with permitted food: How much of the permitted food does the forbidden food forbid? In which way can the forbidden food become nullified? For this reason, these halachos are commonly called: “Hilchos *Isur V'heter* — The Halachos of What is Permitted and Forbidden.” (Unlike, Basar B'chalav, which are both permitted).

There are 2 general categories of mixtures: One is when both foods are moist, and one is when both foods are dry:

### “Moist with moist:”

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Forbidden food which mixed with permitted food, in a manner through which the permitted absorbed the taste of the forbidden (usually through cooking and similar — such as a piece of *neveila* meat which was cooked together with permitted food, and gave its flavor to it) — in such a case, it is no longer possible to separate between the permitted and forbidden foods.

Such a mixture may occur in 2 different scenarios:

**When the foods are of different types:** Such as forbidden meat which mixed with kosher noodles. In such a case, *min hatorah*, the kosher food must have in it enough to nullify the forbidden taste.

The *chachomim* taught that the amount through which forbidden taste can become nullified, is 60 times the entire forbidden food which mixed with the permitted food. (This

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<sup>1</sup> “The halachos of.”

<sup>2</sup> **Literally:** “Mixings.” **Meaning:** As explained in the above introduction: The halachos governing a mixture of forbidden and permitted foods. (Unlike Basar B'chalav — which are both permitted).

applies even if the forbidden food is removed, and only its taste is left. This is because “Taste is [considered] like its source<sup>3</sup> — *min hatorah*.”)

**When the foods are of the same type:** Such as non-kosher meat which mixed with kosher meat. *Min hatorah*, the forbidden becomes nullified within a majority of the kosher food (even 50.1 to 49.9; and there is no need for 60 times the forbidden). However, the *chachomim* decreed that 60 times the forbidden is also needed in this case. The reason for this decree was because of the concern that people would confuse between such a case, and a case when the foods are different types, when there must be 60 times the forbidden, *min hatorah*.

### **“Dry with dry”**

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“Dry with dry” is when forbidden food mixed with kosher food in a manner through which it does not convey its taste to the kosher food. This is when they were both completely dry (and also, the forbidden is not recognizable, and can therefore not be removed, which results in a mixture defined by a lack of knowledge, and not by recognizable taste). In this case, there are, practically, 2 methods by which the forbidden can become nullified:

**When the foods are of different types:** The forbidden becomes nullified in a majority of the kosher, *min hatorah*. But, *miderabonon*, there must be 60 times the forbidden.

**When the foods are of the same type:** The forbidden becomes nullified in a majority of the kosher, *min hatorah*. And the *chachomim* did not decree more stringency in this case.

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3 “*Ta'am k'ikar*.”





**SIMAN 98**

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# How Forbidden Foods Can Become Nullified

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## PART #1 • SE'IFIM 1-3

### Introduction

As we've explained in the introduction to Ta'aruvos, there are generally 2 types of "mixings": "moist with moist" and "dry with dry." First, the Shulchan Aruch discussed the intricacies of "moist with moist," which is when the forbidden gives its taste to the permitted. In such a case, *min hatorah*, if the forbidden is not of the same type as the permitted, the permitted becomes forbidden as long as the taste of the forbidden is discernible (when there is less than 60 times the forbidden).

But, if the permitted and forbidden are of the same type, the forbidden becomes nullified within the permitted, as long as there is a majority of kosher food; *miderabonon*, there must also be 60 amounts against the forbidden in this case.

## ***Is it permitted to taste (but not swallow) a food about which there is doubt if it is forbidden?***

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As we've explained earlier, the Torah forbids forbidden taste, and if it cannot be tasted, the food is permitted. The *poskim* discuss whether someone tasting without swallowing can properly discern whether there is forbidden taste in a dish. They all conclude that in a case when permitted and forbidden foods mix, one cannot discern whether there is forbidden taste in this manner, because the tongue may not be able to perceive the taste, but actually eating the food would.

However, there are cases when taste could be discerned through the tongue; about these cases, the *poskim* differ whether it is permitted to taste, but not swallow, possibly forbidden food:

The Taz holds that it is permitted to taste it, as we find with regard to bile<sup>1</sup> — that if bile is not visible in the gallbladder, one may taste the gallbladder, and if it contains a bitter taste, it is permitted (because this proves that there was bile there, but it was removed — as opposed to a tear having occurred in the gallbladder during the animal's lifetime, which would render the animal non-kosher<sup>2</sup>).

However, the Shach's opinion in *siman* 42 is that it is forbidden to taste something which may be forbidden (even if it will not be swallowed). He says that we cannot apply the halacha in the case of a gallbladder to other cases, because there, it is usually kosher (this is also the Pri Megodim's opinion).

**The halacha is:** It would seem that we should be stringent, according to the Shach's opinion.

## ***Can a Jew's tasting be relied upon?***

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If a Jew vowed not to eat meat, and a piece of meat fell into a vegetable dish — can he rely on another Jew who tastes the dish and says that it does not contain the taste of meat?

According to the Shach, a Jew may be relied upon.

**The halacha is:** Most *Acharonim* write that one may only rely on a Jew's tasting if there is a great need.

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<sup>1</sup> A bitter greenish-brown alkaline fluid that aids digestion and is secreted by the liver and stored in the gallbladder.

<sup>2</sup> See Shulchan Aruch, Yore De'ah, Siman 42.

# Se'if Beis

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## What is considered the "same type" of food?

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As we have learned, there is a difference between two foods of the same type which mix, and when they are of two different types. Regarding what exactly is considered "the same type," the *Acharonim* differ:

The Rama holds that we follow name and not taste. Meaning: If two foods are called by the same name, they are considered "the same type," and if they do not have the same name they are not considered "the same type." (Based on this, grapes and grape juice would not be considered "the same type," because they have different names).

But, the Shach's opinion is that we only follow taste (and not name), because in our case, it is about the ability to discern taste. (Based on this, grapes and grape juice would be considered "the same type," because they have similar taste).

But, with prohibitions which are not dependent on giving taste, but rather continue to be forbidden even if there is 60 against them, such as: *teruma* in 100 times its amount, *orla* in 200 times its amount, *yayin nesech*, which cannot become nullified, *avoda zara*, and something which can be become permitted through other actions — in these cases, the Shach also agrees that we follow the name.

**The halacha is:** We follow the Shach's opinion.

## The Halachos of Doubt With Regard to Ta'aruvos

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We've explained earlier (in the introduction to Ta'aruvos), that practically, when forbidden food mixes with permitted food, whether they are the same type or different types, when they are both moist, there must be 60 times the forbidden. The only difference is that if they are the same type,

it is the rabbonon who mandate 60 times the forbidden, and if they are different types, it is the Torah which mandates it. This difference has practical implications in a case of doubt — such as if the mixture spilled, and it is now impossible to know whether there was 60 or not.

### ***Doubt when both foods are of "the same type," and both are moist***

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A forbidden food which mixed with a kosher food of the same type (such as *neveila* chicken which was cooked with kosher chicken), and after it mixed, it spilled, and we can therefore not possibly know if the permitted food contained 60 times the forbidden, the Mechaber writes that if there was certainly a majority of kosher food, and the question is only if there was 60 times the forbidden, it is a doubt with regard to matter of *derabonon*, when we are lenient — and the mixture is therefore permitted. (Because *min hatorah*, 60 is only needed against two foods of different types).

### ***Doubt when the foods are of two "different types," and both are moist***

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A forbidden food which mixed with a kosher food of another type (such as a *neveila* chicken which was cooked with vegetables), and spilled in the above-mentioned manner: The Mechaber writes that the mixture is forbidden, even if there was certainly a majority against the forbidden; because two different types of food which mix can only be permitted through there being 60 amounts against the forbidden, *min hatorah*. Therefore, when it spills in a manner through which this can no longer be discerned, it is a case of *min hatorah* doubt, when we are stringent.

### ***A case of doubt when forbidden food mixed with both a food of the same type, and of another type***

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A forbidden food which mixed with kosher food which included some which was the same type as the forbidden and some which was of a different type (such as if a piece of forbidden meat was cooked in a pot together with pieces of kosher meat and vegetables); and after the dish cooled down, it spilled, and we do not know if it included 60 against the forbidden, but it is certain that it included a majority against it — what is the halacha?

The Mechaber writes that if it is known that the food of the same type alone included a majority against the forbidden meat, the dish may be eaten (even though we aren't sure if there was 60 against it — because we consider this a case of *derabonon*, when we are lenient).

This seems difficult to understand, for the forbidden also mixed with a food of another type, and for that part to be permitted, it would seem that there must be 60 against the non-kosher meat, *min*

*hatorah*, and we cannot be lenient with a *min hatorah* doubt!

The explanation is that this leniency is based on a novel thought: "Remove the

other type, as if it is not here; and with regard to the rest: the [food of] the same type, is a majority over it, and [therefore] nullifies it." Meaning: When the meat mixed, we ignore, so to speak, the fact that there are also vegetables in the pot, and we look only at the pieces of meat

— and because within that category, there is certainly a majority against the forbidden, the result is that *min hatorah*, the forbidden meat became nullified — and the doubt whether the entire dish included 60 is a *derabonon* doubt, in which case we are lenient.

However, with regard to the permissibility of the vegetables, there are differing opinions:

The Taz holds — and it seems like this is also the Mechaber's opinion — that the vegetables are also permitted; because the forbidden meat became nullified within its type.

But the Shach holds that the vegetables are forbidden, because they received taste from the forbidden meat, and to permit the vegetables, there must be 60 against the forbidden, *min hatorah*; and being that this is in doubt, we are stringent with regard to the vegetables (and the Shach says that we can interpret the Mechaber's words to mean this, also).

**The halacha is:** It would seem that we should be stringent, according to the Shach's opinion.

### ***A doubt when poultry mixed with milk***

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Poultry which mixed with milk, and then spilled, in a manner which causes us to not be able to discern whether there was 60 against the forbidden: The Taz and Rama hold that it is proper to be stringent, because *chachomim* strengthen their words so that they are similar to the rulings of the Torah. But the Shach holds that because poultry with milk is only forbidden *miderabonon*, we should be lenient in a case of doubt.

**The halacha is:** The Pri Megodim writes that one who is lenient like the Shach's opinion in a case of great monetary loss is not transgressing.

# Se'if Gimmel

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**What is considered a doubt?**

**Is every lack of knowledge considered a doubt?**

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The Mechaber writes that specifically a doubt which was caused by food spilling, causing a lack of knowledge whether there was 60 against the forbidden, is considered a doubt. However, if the amount of forbidden and permitted food is visible to the eye, but one does not know how to calculate if there is 60 against the forbidden — the case is not considered one of a doubt — even in a case of *derabonon*.

The Taz asks: We see that there are places where the *chachomim* consider a lack of understanding to be a serious doubt, such as in the case of a benign growth (a *sircha*), found on an animal's lung, after it was properly slaughtered, when we have a doubt whether this growth grew to cover a hole in the lung (which would render the animal a *tereifa*). When there is another doubt in such a case, the *chachomim* considered it a case of “double doubt,” and the animal is permitted.

The Taz answers that when one person is in doubt because they cannot figure something out — but others would be able to — it is certainly not considered a serious doubt; but, if the doubt is one which no one would be able to decipher, and it is a question whether something should be permitted or not, we can certainly be lenient, because it is a case of doubt for all. (The exception to this would be if there is doubt how to consider the size of forbidden food, or the amount of permitted food which can be used to nullify it, whether as before they were cooked or afterward — in this case, the more stringent amount should be used to estimate).

# Questions

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1. What is the halacha if a forbidden, moist food mixed with a permitted, moist food?

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2. What is the halacha if a forbidden, dry food mixed with a permitted, dry food?

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3. Can we rely on a non-Jew's tasting when he says that he does not taste forbidden flavor in permitted food?

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4. Can we check a meat dish into which a drop of milk fell by tasting and not swallowing?

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5. What determines whether something is considered "the same type" or "a different type" of food?

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**6. What is the halacha if a forbidden food mixed with the same type of kosher food, and it spilled, causing us not to know if there is 60?**

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**7. What is the halacha if a forbidden food mixed with a different type of kosher food, and it spilled, causing us not to know if there is 60?**

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**8. What is the halacha if forbidden food mixed with permitted food, of which some was the same type as the forbidden and some of a different type — and it spilled, causing us not to know if there is 60?**

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**9. Is one person's lack of understanding considered a serious doubt?**

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**10. Is a universal lack of knowledge considered a serious doubt?**

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**11. What is the halacha if chicken mixed with milk, and there is doubt whether there is 60?**

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## Practical Questions and Answers

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What is considered “the same type” of foods — when they have the same name, or the same taste?

Taste.

Can we rely on a non-religious Jew who tastes the mixture and says that he does not discern forbidden taste?

It would seem that he is not believed.

Do those who generally follow the Mechaber’s opinion also rely on a non-Jew’s tasting these days?

Rabbi Ovadia Yosef says that *sefardim* also do not rely on a non-Jew’s tasting.

Can an *ashkenazi* Jew rely on a *sefardi* Jew who tasted the food, based on a non-Jew’s testimony?

Yes — in difficult circumstances.

Can we rely on a religious Jew who mistakenly tasted a mixture including forbidden food, and says that he does not discern forbidden taste?

In difficult circumstances, he can be relied upon. There are those who add that this is only if he intended to discern the food’s taste when he tasted — such as if a Jew tasted food to discern if it has a meat taste, to know if he would need to wait 6 hours, and it turned out later that it was *neveila* meat.

Is a universal lack of knowledge considered a serious doubt?

It is considered a *sofek* according to most *poskim*. But because there is significant disagreement regarding this idea — one should ask a *rov* about each case, individually.



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