

Getting a Taste - Or Not

Source 1: Mishnah Chullin Chapter 7

HULLIN CHAPTER 7 MISHNAH 5

גיד הנֶּשֶׁה שֶׁנִּתְבַּשֵּׁל עִם הַגִּידִים, בְּזֶמַן שֶׁמִּפְּיָו — בְּגוֹתֵן טַעַם; וְאִם לֹא — בְּלֶן אֲסוּרִין, וְהֵרֵטֵב בְּגוֹתֵן טַעַם. וְכֵן חֲתִיכָה שֶׁל נְבֵלָה, וְכֵן חֲתִיכָה שֶׁל דָּג טָמֵא שֶׁנִּתְבַּשְׁלוּ עִם הַחֲתִיכוֹת, בְּזֶמַן שֶׁמִּפְּיָו — בְּגוֹתֵן טַעַם; וְאִם לֹא — בְּלֶן אֲסוּרוֹת. וְהֵרֵטֵב בְּגוֹתֵן טַעַם.

If the *gid hanasheh* was cooked together with sinews and it is recognizable — if it imparts flavor; if not, all are forbidden; and the broth, if it imparts flavor. So also a piece of *nevelah*, and so also a piece of unclean fish that were cooked with pieces, if they are recognizable — if they impart flavor; if not, all are forbidden. And the broth, if it imparts flavor.

Source 2: Chumash Bamidbar and Rashi

And the LORD spoke to Moshe, saying, Speak to the children of Yisra'el, and say to them, When either man or woman shall pronounce a special vow of a Nazir to separate themselves to the LORD: he shall abstain from wine and strong drink, and shall drink no vinegar of wine, or vinegar of strong drink, nor shall he drink any liquor of grapes, nor eat moist grapes, or dried. All the days of his abstinence shall he eat nothing that is made of the vine tree, from the kernels even to the husk.

במדבר
וידבר יהוה אל-מושה לאמור: דבר אל-בני ישראל ואמרת: אלהם איש או-אשה כי יפלא לנדוד נדר נזיר להזיר ליהוה: מיין ושכר יזיר חמץ יין וחמץ שכר לא ישתה וכל-משרת ענבים לא ישתה וענבים לחים ויבשים לא יאכל: כל ימי נזרו מבלי אשר יעשה מגפן היין מחרצנים וערוג לא יאכל: רש"י

וב"ב משרת. לשון נביעה נמים או בכל משקה, ובלשון משנה יש הרבה, אין שורין דיו וסממנים (שנה ח'), מזר ששרה פתו בין (מזר לד):

From Torah to Rabbinic Law

מדאורייתא Torah Law	Food Tastes the Same	Food Tastes Different	מדרבנן Rabbinic Law	Food Tastes the Same	Food Tastes Different
Food is Solid			Food is Solid		
Food is Liquid			Food is Liquid		



Source 3: Gemara Nazir 37a

Rather, the definitive law follows the Sages who differ with him, and interpret this verse there, and likewise in the tractate *P'sahim* (44b), to infer from it that the flavor of the forbidden food is as prohibited as the food itself, both in regard to a *nazir* and with all other forbidden food in the Torah.

So was it stated there: Was this verse about “any *mishrah* (liquid) of grapes” then given for this purpose? It is needed for the purpose taught in a *baraita*:¹⁷ “any *mishrah*”—this is to make the flavor [as forbidden] as the original food: that if one steeped grapes in water and it has a flavor of wine, it is prohibited. From here you have the law for all forbidden foods in the Torah: If for a *nazir*, etc. till [the Talmud concludes:] Whose view is this?—that of the Sages; and there are those who say, that of R. ‘Akiva.¹⁸

As to the meaning of “the flavor [forbidden] as the original,” many explanations were said about it. One of them,¹⁹ and it is the best as it seems, is that any forbidden food that does not exist in its original state but became merged or blended with permissible food, imparting its flavor to it—to exclude a case where it became blended with its own kind [of food, that was permissible], where there is no imparting of flavor—about this the Sages of blessed memory ruled that the flavor of forbidden food is as prohibited as the actual food; and for this the passage about “any *mishrah* (liquid) of grapes” is needed. For if we did not derive this rule from this verse, I would have decided that whatever forbidden matter became blended into permissible food, whether it was of its own kind or even of a different kind, it should become nullified by a majority—by the rule known to us from the law of the Torah, that one [forbidden amount] in two permissible ones is nullified²⁰—i.e. by a majority,²¹ because two is not meant strictly.

Now that we know this, it is for us to rule about flavor as if it were the actual food. And what is the law known to us about actual forbidden food without anything mixed with it?—that if a person ate an olive’s amount of forbidden food without a lapse of time [from start to end of the eating] long enough to eat a *p’ras* (half a loaf) of bread, he is given lashes (a whipping) for it;²² but if he tarried longer than that, he is free of penalty. Then this law about [forbidden food] by itself is what we will apply about its flavor: that if of the forbidden food, an olive’s amount was mixed into a quantity of permissible food that can be eaten in the time it takes to consume a *p’ras* of bread,²³ and someone ate of it as much as can be consumed in this period of time, without the above-mentioned lapse, he would receive whiplashes for it. If he ate of it less than that, or if less than that amount of forbidden food was blended into it, he would not receive a whipping for it.²⁴

Some authorities²⁵ likewise said that in general, the rule that over the prohibition against the flavor of forbidden food without its substance, a whipping should be given over it—this [applies] as long as the forbidden element imparts as much flavor to the permissible food as if an olive’s amount of the forbidden ingredient had been blended into a quantity of permissible food that could be eaten in the same time as a *p’ras* (half a loaf) of bread—even if we do not know what quantity of the substance of the forbidden food merged with it.

פרק שישי נזיר לז ל"א

לכדתגיא: י"משרת" – ליתן טעם כעיקר, שאם שרה ענבים במים ויש בהם טעם יין – תיב. ומכאן אתה דן כל איסורין שבתורה: ומה נזיר שאין איסורו עולם, ואין איסורו איסור הנאה, ויש היתר לאיסורו – עשה בו טעם כעיקר, כלאי הכרם, שאיסורן איסור עולם, ואיסורן איסור הנגיה, ואין היתר לאיסורן – אינו דין שיעשה בו טעם כעיקר? והוא הדין לערלה בשתיים.

אלא הלכה ברבנן, דפליגי עליה, ומוקמי האי קרא הקם. וכן במסכת פסחים, ללמד ממנו שטעם האסור אסור כמו עקרו, בין בנזיר בין בכל אסורים שבתורה.

וכן גאמר שם: והאי "וקל משרת" להכי הוא דאקרא, ההוא מצעי ליה לכדתגיא: "משרת" – לתן טעם כעיקר, שאם שרה ענבים במים ויש בהם טעם יין, אסור; מכאן אתה דן לכל אסורים שבתורה: ומה נזיר וכולי, עד הא מני, רבנן, ואקא דאמרי קרבי עקיבה.

ובפרוש טעם כעיקר, הרבה פרושים נאמרו בו, ואחד מהם, והוא הטוב לפי הרומה, שקל אסור שאינו בעינו אלא שנתערב בתוך החר נחתן טעם בו – לאפוקי אם נתערב במינו, שאין כאן נתינת טעם – על זה יאמרו זכרונם לברכה שטעם האסור אסור כמו עקרו, ולזה הצריך מקרא זה ד"וקל משרת": שאם לא שלמדנו דבר זה מן המקרא הנה, הייתי דן שקל שנתערב אסור בהתר במינו או אפלו בשאינו מינו, שישבטל בלב, מן הכלל הידוע לנו מדין התורה תוד בתרי בטל, כלומר ברבא, דלשון "תרי" לאו דנקא.

ואחר שידענו זה, יש לנו לדון הטעם כמו הממש. ומהו הדין הידוע לנו במקשו מבלי תערבת – שמי שאכל פניית אסור מבלי שהיה שעור אכילת פריס, שלוקה עליו; אבל שהיה יותר מזה, פטור. וזה הדין בעצמו הוא שנאמר בטעמו, שאם נתערב מן האסור בהתר פניית בכדי אכילת פריס, ואכל ממנו שעור אכילת פריס מבלי שהיה הנופרת, לוקה עליו; אבל ממנו פחות מכן, או שנתערב בו מן האסור פחות משעור זה, אינו לוקה עליו.

ובמובן אחר קצת המפרשים שבכלל אסור טעמו ולא ממשו להלקות עליו, הוא כל זמן שנתן האסור טעם בהתר כל-כדי, כאלו נתערב בו אסור פניית בכדי אכילת פריס, ואף-על-פי שלא ידענו כמה שעור נכנס בו מממשות האסור.

**Source 4: Sefer Hachinuch Mitzvah 368
The Prohibition of a Nazir Drinking wine**

יורה דעה קט הלכות תערובות

Source 5: Shulchan Aruch
Yoreh Deah 109

וכל זה (ב) כשנתערב צמיחו אצל
 (ד) שלא צמיחו ואין מכירו (ג) אפילו יבש ביבש
 (ה) (ג) לריח (י) ששים (טור בשם בעל התרומה ועוד
 הרבה פוסקים) [ח] ואין חלוק בכל זה בין אם
 האיסור (ה) מדרבנן או מדאורייתא (בית יוסף בשם
 הפוסקים ללא כהגהת ש"ד) ועיון לקמן סימן קכ"ג
 י"א) אם נתערבו כלים ביחד:

שפתי כהן

(ט) צריך ששים. כיון לאם יבשלת יתן טעם טור בשם סה"ת
 וכ"כ הר"ן (חולין לו: ד"ה גרסי בגמ') ח"ל ומיהו כי אמרינן ליבש
 ביבש חד בתרי בטל אפילו מדרבנן ה"מ מין צמיחו כיון
 דמדאורייתא אפילו לה בלח ברובא בטיל (כלעיל סי' ז"ח ס"ב) לא אחמור רבנן ביבש
 דהא א"א למיתי לדי איסור דאורייתא אצל מין
 בשאינו מינו דבלח אלוין בתר טעמא אפילו ביבש נמי צמיחו ששים כי היכי דאי
 מצטל להו י"א ב לא ליתי לדי טעמא דהו איסור
 דאורייתא עכ"ל

מין צמיחו כיון דמדאורייתא אפילו לה בלח ברובא בטיל (כלעיל סי' ז"ח ס"ב) לא אחמור רבנן ביבש דהא א"א למיתי לדי איסור דאורייתא אצל מין בשאינו מינו דבלח אלוין בתר טעמא אפילו ביבש נמי צמיחו ששים כי היכי דאי מצטל להו י"א ב לא ליתי לדי טעמא דהו איסור דאורייתא עכ"ל

Introduction

Source 6: The Laws of
Kashrus by Rabbi Binyomin
Forst

A central issue in *hilchos kashrus* concerns the infusion and absorption of taste. Whenever non-kosher food comes in contact with kosher food, there is a potential transfer of taste from the non-kosher food to the kosher food. In this chapter, we will discuss the concept of *taam k'ikar* — the principle by which the kosher food is affected by the non-kosher taste it has absorbed. We will also explore the possibility of sampling food to detect the presence of non-kosher taste. Finally, we will discuss the requirement of *bitul b'shishim* (nullification in a sixty-to-one ratio) — the means through which the problem of *taam k'ikar* is overcome.

At the core of the issue of taste infusions is the principle of *taam k'ikar*, which means that the taste of the (non-kosher) food is considered as its essence. Kosher food imbued with a noticeable taste of non-kosher food is considered the equivalent of the non-kosher food itself. One may not eat kosher food that has absorbed non-kosher taste since, in doing so, he will taste the non-kosher taste.

We noted in Chapter Two that non-kosher taste may affect kosher food under several different circumstances: a) The non-kosher matter may have completely blended into the mixture, b) the non-kosher matter may have been cooked together with the kosher food and infuse the kosher food with its taste before having been removed. c) The kosher food may have been cooked in a utensil that was infused with non-kosher taste and thereby absorbed some of the taste infused in the utensil. In any of these cases, the principle of *taam k'ikar* rules that the kosher food has assumed a non-kosher status.

Rishonim disagree as to whether the principle of *taam k'ikar* is Biblical or Rabbinic in origin. In the opinion of some *Rishonim*, this depends upon whether the actual substance of the non-kosher food or only its taste is present in the mixture. It further depends upon the ratio of kosher and non-kosher matter in the mixture and upon the amount of the mixture one eats. A detailed analysis of divergent viewpoints is not within the scope of this work; however, the *halachic* consensus assumes that *taam k'ikar* should usually be treated as a Biblical precept. We refer the reader to the footnotes.¹ We will limit our discussion to the practical steps that must be taken regarding situations of *taam k'ikar*.



Source 7: The Laws of
Kashrus by Rabbi
Binyomin Forst

II. Bitul b'shishim, ביטול בששים – nullification in a ratio of sixty

A. The Torah law

We noted above that *bitul b'rov* can be applied only to those mixtures in which the taste of the non-kosher food is not noticeable. If, however, the taste of the non-kosher food is noticeable, we encounter the principle of *taam k'ikar* — the taste (of the non-kosher food) is considered as (non-kosher) food itself. (This concept will be discussed in detail in Chapter Four.) Thus, the kosher food assumes the prohibited characteristic of the non-kosher food and is Biblically prohibited. Mere nullification of the non-kosher food is inadequate if any non-kosher taste remains. Consequently, the *bitul* process must nullify the non-kosher food and its taste as well. Primarily, *bitul b'shishim* is required only when these *two* features are combined: a) the foods are dissimilar in taste (*min b'sheaino mino*). If, however, the foods are similar tasting, the taste of one is not noticeable in the other; thus, *bitul b'rov* suffices. b) the foods are either liquids or solids that are blended or cooked together. If, however, the foods are solids that are neither blended nor cooked together, they do not impart taste to one another; thus, *bitul b'rov* is adequate. If *either* of these two factors is missing, *bitul b'shishim* is not Biblically mandated.

B. The Rabbinic prohibition

Chazal extended the requirement of *bitul b'shishim* to cases that resemble the primary Biblical case in some aspect. *Chazal* were aware of the difficult nature of these *halachos*. They were concerned that one may confuse the rules pertaining to similar tasting foods with those of dissimilar ones. A mistake of this nature may cause one to transgress a Biblical prohibition.³¹ Thus, although in Torah law *bitul b'shishim* is required only when dissimilar tasting foods are cooked or blended together, *Chazal* extended the requirement to situations that resemble the Biblical case in either of these factors (i.e. dissimilar tasting foods or foods that were cooked together, see footnote for further explanation).³² Hence, similar tasting foods that are blended or cooked together³³ or uncooked, dissimilar tasting foods,³⁴ require *bitul b'shishim*. Each of these instances resembles the Biblical case (i.e., cooked, dissimilar foods) in *one* aspect. However, uncooked (and unblended), similar tasting foods do not resemble the Biblical case in *any* manner. Since they will not be confused with the Biblical case, they may become nullified with a mere *bitul b'rov*.³⁵ In short: *Chazal* required *bitul b'shishim* in any situation that would have constituted a problem of *taam k'ikar* if the mixture had been of dissimilar foods or if the mixture was cooked together.

