

22.6.3

95a (מרתף של יין) → 96b (והלכתא כותיה דשמואל)

I Analysis of "wine" clauses in משנה ב' ("wine cellar" - 10 bad barrels per 100)

a Question: what were the terms of sale?

i If: "this cellar" – difficult, as it should be sold "as is"

ii If: "cellar" – difficult, as it should be all good (as per ברייתא)

1 Answer1: "cellar" – and ברייתא adds that the buyer accepts 10% bad barrels

(a) Challenge: if unexplicated, he doesn't accept any loss, as per ר'ר' ruling – barrel must be all good

(i) Distinction: within one barrel, it must be all good

2 Challenge: ר' זביד taught ברייתא as ruling that מרתף must be all good; זה מרתף must be all good with 10% loss

3 Answer2: our משנה – he said זה מרתף

(a) Resolution: in ר' זביד's case, he bought for taste; מרתף must be all good, הזה expands to allow 10% loss

(i) But: ברייתא is regular sale – מרתף allows 10% and הזה expands to allow בחנות (all קוססות)

4 Question: what if he said מרתף without למקפה? Dispute אחא/רבינא

(a) One: he accepts 10% loss; inferred from ר' זביד (with מקפה does he get 100% good → w/o מקפה, accepts)

(i) And: he explains ברייתא as מחסרה, including 10% w/o מקפה; if he adds הזה – all קוססות (כחנות)

(b) Other: he doesn't accept; inferred from ברייתא (w/o מקפה; זה allows for loss; without זה – must be 100%)

(i) And: he explains ר' זביד: even if he didn't say למקפה – must be all good

1. And: reason we established his case as למקפה to resolve the זה/זה contradiction

II Related discussion: the proper ברכה for wine sold in stores (inferior)

a בורא פרי הגפן: רב יהודה

b שיהכל נהיה בדברו: רב חסדא – it's "bad wine"

i Note: רב יהודה concedes the point in re: wine sold "on the corner" (truly inferior)

ii ברייתא as per ר' יוסף:

1 If: he was checking a barrel of wine to separate תרומה and afterwards it turned out to be vinegar

(a) Then: for 3 days it is וודאי, otherwise it is ספק

(i) ר' יוחנן: the first 3 days – certainly wine, afterwards ספק

1. Reason: wine begins turning from the bottom of the barrel; even if it turned right away, if the smell is wine and the taste vinegar – wine

(ii) ר' זביד: last 3 days – certainly vinegar; beforehand – ספק

1. Reason: wine begins turning at top of barrel; if it turned right after checking, ריחיא חלא וטעמיה, חמרא – vinegar

(iii) Version of the "southerners" in the name of ר' זביד: first 3 days certainly wine, last 3 – certainly vinegar

1. Note: this is an internal contradiction as to status of חמרא וטעמיה

2. Answer: case where they found truly sour vinegar at the end, must have turned at least 3 days

2 Question: how did רב יוסף rule (in his answer to אבוי)

(a) Answer: dispute between ר' זביד/ר' מרי if he answered as per ר' יוחנן or ר' זביד

c Related question: if wine was sold and then went sour (vinegar)

i רב: first 3 days – responsibility of seller

ii שמואל: as soon as buyer takes it, seller has no responsibility

1 Cases: ר' יוסף ruled like רב in a case of mead, and like שמואל in a case of wine

2 הלכה: follows שמואל