

22.6.5

97b (משנה ג') → 98b (ומיין והולך עד החג) חבוקק ב:ה

1. ואף כי היין בוגד נכר והיר ולא יגנה אשר הרחיב כשאול נפשו והוא כמות ולא ישבע ויאסוף אליו כל הגוים ויקבץ אליו כל העמים: חבוקק ב:ה.  
 2. נחית בחסדך עם זו גאלת נהלת בעזך אל גנה קדשך: שמות פרק טו פסוק יג

## I 'משנה ג': liability for selling wine that goes bad

a *If*: someone sells wine and it sours – no liabilityi *But*: if he was known to sell soured wine – מקח טעות1 *the non-liability is limited to a case where the buyer kept it in his own jugs*(a) *But*: if he kept it in seller's jugs – seller is liable(i) *Challenge*: why did buyer keep it in seller's jugs(ii) *Answer*: buyer told him that he was buying it for מקפה (must be all good)1. *Question*: why does ר' יוסי בר חנינא establish case of משנה as buyer's jugs and למקפהa. *Why not*: seller's jugs w/o מקפהb. *Answer*: he's bothered by ruling that if seller was known to have wine that sours, מקח טעותc. *Question*: why doesn't seller ask buyer why he kept it there?i. *Answer*: he must have said "למקפה"2 *Dissent*: ר' חייא בר יוסף – wine goes bad as a result of the מזל of the (current) owner as per v. 1(a) *Aggadit tangent*: consequences of haughtiness as per vv. 1-2b *If*: he said "יין מבושם" – it must be able to last until שבועותc *If*: he said ישן – must be (at least) from the previous yeard *If*: he said מיושן – must be (at least) from two years prior – and last until סוכות of the third year (3 full years)

## II Rulings of רבא

a *If*: someone sells wine to a storekeeper for disbursement to purchasers and some goes bad – he must recompensei *Unless*: the storekeeper put in new tap (may have caused it)ii *And unless*: the storekeeper waited until after market day to sell (delay may have caused souring)b *If*: someone bought wine to have it delivered to a port (e.g.) for sale and while being brought there it depreciatedi *Then*: the owners absorb the lossii *Question*: what if it went sour in the meantime1 *Some say*: carrier has responsibility (as per ר' יוסי בר חנינא)2 *Others say*: same rule as above, as per ר' חייא בר יוסף