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# Hilchos Basar B'chalav Shiur 21

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## Ma'areh Mekomos for this shiur

**Tur**

**Bais Yosef** ד"ה ואיכא למידק and ד"ה רבינו ירוחם

**Seif 93 Mechaber, Rama**

**Shach, Taz**

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# Cooking Milk in a Meat Pot

## *Siman 93 - Nosain Ta'am Lifgam*

**1** A *kadaira* (pot) that you cook meat in, you should not cooking milk in it. If you cooked milk in it *m'ais l'ais* (within 24 hours for cooking meat), the food **1)** is *assur bnosain ta'am* (if the meat gives taste in it). (One needs to measure 60 **2)** against the entire *k'daira*.)

**(1)** However, if 24 hours has passed before you used it (for milk) the *blios* in the pot is called *nosain ta'am lifgam* (food that gives a bad taste.) Therefore, the *tavshil* is *mutar*, **3)** but the pot is *assur* to use for either meat or milk.

RAMA However, you can use it for other food. The *dinim* of a pot cover are the same as the pot itself. *V'yaish machmirim*, who say that the cover has the *din* of a *ben yomo*, 'even if it is an *aino ben yomo*. This is the custom in some places and it is what I am accustomed to do, (even though) **(2) 4)** it is a *chumra b'lo tam* (strict without a strong reason).

In any case, if there is a reason to be *matir*, or if you need the food for *Shabbos*, or if there is a loss involved, one should *matir* a cover that is an *aino ben yomo* in the same way that we are for a *kadaira she'aino ben yomo*.

In the event that you took a hot cover off a pot of meat and placed on a pot of milk, then if both the cover and milk pot are hot both, (the pot and the cover)<sup>2</sup> are *assur* providing that there was food in both pots. If the cover cooled but the milk pot is hot, both the cover and pot are *assur* **5)** providing that the pot is giving off *z'zia*, because of the *din tata'ah gavar*. **6)** If the cover is hot and the *k'daira* is cold, then both are *mutar* and the food in the pot is only *assur k'dai klipa* if the *klipa* can be removed, otherwise even the food is *mutar*. If there is no food in the *k'daira*, then everything is *mutar* because of the *din* of *shtai k'dairos* that touch each other.

<sup>1</sup> A *kli* used within 24 hours.

<sup>2</sup> The food is also *assur* if there is not 60 against the cover – **Pri Chadash** 10.

## Doing Hagala with Milk

There are two opinions brought in the *Tur*:

- 1) *The Baal Haitur*
- 2) *Rabbainu Peretz*

According to the first opinion in the **Baal Haitur**, if you cooked milk in a *fleischik ben yomo* pot, the pot is now *milchiks* if there is 60 against the pot. The *Baal Haitur* himself holds that you can cook either milk or meat in the pot<sup>3</sup>.

The *Bais Yosef* explains that the *heter* of the *Baal Haitur* is only if you poured the milk out while it was boiling.<sup>4</sup> The reason is *ma li mayim ma li chalav* (there is no difference if *hagala* is done by water or by milk).

The **Tur** asks on the *Baal Haitur*, how can you use the pot for milk, since the *Torah* says that you cannot kasher a *keli cheres* by *hagala*, and you must break it?<sup>5</sup>

The **Taz** (1) answers: according to the *Baal Haitur*, this *din* is only by *Kodshim*. However, one can do *hagala* on a *keli cheres mid'oraisa* by *chullin*. Since in this case there is no *issur*, the *Rabbanan* were not *gozar*.<sup>5</sup>

According to **Rabbainu Peretz**, even if you used the *keli* for milk when it was an *aino ben yomo*, you cannot use it for meat or for milk. The reason you cannot use it for meat is obvious, because there are now milk *bliss* in the *keli*. The reason you cannot use it for milk, (even though it is *mutar mid'oraisa* to use it for milk, because it is an *aino ben yomo keli*), is to prevent us from making the mistake of using a *ben yomo* meat *keli* with milk. However, you cannot *kasher* a *keli cheres*.

## Niklash Ta'am

**Avodah Zara**  
**76A**

**Rav Nachman** said in the name of **Rabbah bar Avuah**, "Each day's (cooking) was *hagala* for the previous."

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<sup>3</sup> The average pot does not contain 60 against itself unless it is wide and thin.

<sup>4</sup> This is a case of *idi dtarud liflot lo bala* in contrast to *Siman 92:1* that we learned *idi dtarud livloab lo polait*.

<sup>5</sup> The majority of *poskim* argue and say that a *keli cheres* is *polait* a little of its *bliss* every time it is used. This is why it cannot be *kashered*.

The *Gemora* has a question from the *Mishna*. The *Mishna* states that utensils used over the fire require *libun*, but these utensils only need *bagala* by *kadshim*. The *Gemora* answers, that each day's cooking by *kadshim* is a *bagala* for the previous cooking.

The **Rashba** explains, even though we normally require *libun*, since this is *betaira bala* (the pot absorbed when the food was still *mutar*), it is enough that the *blios* are *niklash* (weakened) through cooking not to become *nosar*.<sup>6</sup> He learns from here that if you cooked *yarakos* (vegetables) after the meat, then you can use the pot *l'chatchila* for milk. This is because, by cooking the vegetables, the *ta'am basar* is *niklash* and will not become *assur* when you cook the milk in the pot. However, if you used the pot for *issur*, you need to make a proper *bagala* to completely purge the taste. The reason is: although regular cooking changes the *issur* to a *ta'am kalush*, however, even a *ta'am kalush* of *issur* is *assur*.

The **Bais Yosef** asks on the *Tur*, “*Tur*, why do you have a *taima* (strong question) on the *Baal Haitur* and not on the *Rashba*?” The *Baal Haitur* in the *Tur* brought an opinion that if there is 60 in the milk against the meat pot, the milk is *mutar* and you can *l'chatchila* use the pot for milk. The *Bais Yosef* asks if the *Rashba* would agree to this.<sup>7</sup>

The *Bais Yosef* gives 3 possible answers for the reason why the *Tur* did not ask on the *Rashba*.

- 1) The *Rashba* refers to *sha'ar kalim*, not a *kli cheres*. A *kli cheres* absorbs a lot, and cooking will not *machlish ta'am*. *Sha'ar kalim* absorb relatively little, therefore the cooking will *machlish ta'am*.<sup>8</sup>
- 2) & 3) The *Bais Yosef* brings **Rabbainu Yeruchum** who says that *Rabbainu Peretz* and the *Rashba* do not argue. Both agree that cooking milk in a meat pot is not *machlish ta'am*. The *Bais Yosef* explains this in two possible ways: either the *Rabbanan* make a *gezaira* that you can never use milk to do *bagalah* on meat, because it is why the milk becomes *assur*.<sup>9</sup> Alternatively, milk can't weaken the taste of meat.

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<sup>6</sup> A *korban* must be eaten by the *Kobanim* within a certain time. After that time whatever is left over is *asser* and is called *nosar*. This applies even to *blios*.

<sup>7</sup> Since there is 60 against the meat perhaps the milk has the *din* of *yarakos*.

<sup>8</sup> However, since we do not know how much it absorbed we need 60 against the *kli*.

<sup>9</sup> It goes against the essence of the *din* to allow milk to *machlish ta'am* and thereby cause a *beter*.

The *Bais Yosef* does not *paskein* like the *Rashba*. This is because we see that *Tosefos* (Chullin 11b-112a) and the *Rosh* do not hold like the *Rashba*. They say that the *Gemora* in *Avoda Zara* that says that every day's cooking is a *bagala* only refers to *kadshim*. Since every day's cooking was meat it has the *din* of *min b'mino*, which is *mutar mid'oraissa*, and we are *maikil* by *kadshim* not to give it the *din d'rabbanan*. Therefore, we have no proof that cooking by *sha'ar issurim* will *maklish ta'am*.

Another proof is from what we will learn in *siman* 94. We will see, that according to the **Sefer Hatrumah**, if you cooked meat in a pot, and a few hours later you cooked water in the pot. If you cook milk 24 hours after the meat, the meat *blios* in the pot are *nosain ta'am lifgam* and the milk is *mutar*, even though 24 hours did not pass from the cooking of the water. (We do not say that the water refreshes the *blios*). If the *Sefer Hatrumah* holds like the *Rashba*, he should say a bigger *chiddush*, it is *mutar* to cook milk in the pot immediately following the water. Therefore the *Bais Yosef* does not *paskein* like the *Rashba*.

The **Taz** (2) says that the *Tur* still needs explanation. The *Tur* holds both like the *Rashba* and like the *Sefer Hatrumah*. According to what we just said, this is a contradiction. He answers that cooking in the pot will only help if you cooked it the second cooking the same amount of time<sup>10</sup> as the first cooking. The *Sefer Hatrumah* refers to a regular case, where we do not know if the second cooking was the same as the first.

The **Shach** in *Nekudas Hakesef* agrees to the *Rashba*. He says, the point of the *Rashba* is that you can do *bagala* on something that requires *libun* (scalding by fire) if it was *betaira bala* (absorbed while the food was still permitted.) For example, if someone fries something *treif* in a pan (or a pot), the pan needs *libun*. This is because, since it absorbed the *issur* directly without liquid, you must *kasher* directly by fire, and not with a liquid. However, if you used a pan before *Pesach* to fry something *chametz*, we call it *betaira bala*, since you fried it at the time it was *mutar*, and therefore *bagala* will help. The same would apply if you fried a cheese omelet in a *fleishig* pan (that you didn't use in the last 24 hours), since the *blios* are *lifgam*, it has the *din* of *betaira bala* and you may do *bagala*. The *Shach* gives three answers to explain the case of the *Sefer Hatrumah*.

1. The *Sefer Hatrumah* refers to a *keli cheres*, but agrees to the *Rashba* by a metal *keli*.
2. The *Sefer Hatrumah* refers to where you only used part of the *keli*, but agrees to the *Rashba* if you used the whole *keli*.

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<sup>10</sup> See **Mishb'tzos Zahav** 2, however the **Yad Yehuda** explains that the second cooking must be the same amount as the first.

3. The *Sefer Hatrumah* refers to a case where the water didn't bubble, but agrees to the *Rashba* in a case where the water is bubbled.

The *Shach* continues, that even if you want to say that the *Rashba* holds that by *betaira bala*, cooking in the pot is enough for *bagala*. On this point, the *Rishonim* argue that if you must do a proper *bagala*, and a simple cooking is not enough.

The **Chavas Da'as** (*Biurim* 93:2 towards the end) says that by *sha'ar keilim*, as long as there is 60 against the pot, even if the 60 is milk, then you can use the pot for milk. This is like the first answer of the *Bais Yosef* in explaining the *Rashba*. According to this, milk has the ability to be *machlish ta'am basar*. Therefore, if you stick a meat spoon in a boiling pot of milk and there was 60 against the spoon, we can say that *m'ikar hadin* the spoon becomes *milchiks*.

The first few lines of the *Chavas Da'as* states, that in a case where there is less than 60 against the pot, even in a case of cooking water, that we do not say *machlish ta'am*. Therefore, it would be *assur* to cook milk in a meat pot, even though you cooked water between the meat and milk.

**R' Akiva Eiger**<sup>11</sup> asks on the *Chavas Da'as* from our *Gemora* in *Avodah Zara*. Since the average pot does not hold 60 against itself, and still we say that each day's (cooking) was *bagala* for the previous. So we see that you don't need 60 by *betaira bala*.

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**HALACHA 93:1**

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If you used a pot for meat, and you then used it for milk within 24 hours, the *Mechaber* says to rely on a taste test<sup>12</sup> to permit the food. The *Rama* says to measure 60 against the pot, since he doesn't rely on taste tests. If the pot is an *aino ben yomo*, although the milk is *mutar*, we hold like *Rabbainu Peretz* and the pot is *assur* to use for either milk or meat. The **Shach** (3) quotes the *Rama* in 94:5 that says, the *minbag* is to *osser* the *aino ben yomo kli* when you use it with a *ben yomo kli* of the opposite *min*. Therefore, based on the *minbag, kol sh'cain* we'll *assur* the pot in our case, even to use for other foods.

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<sup>11</sup> On the *Chavas Da'as*.

<sup>12</sup> The *Sephardic minbag* is not to rely on a taste test of a non-Jew in this case or in any case. *Kaf HaChaim*.

## Covers

THE RAMA SAYS:

*V'yaish machmirim, who say that the cover has the din of a ben yomo,<sup>13</sup> even if it is an aino ben yomo. This is the custom in some places and it is what I am accustomed to do, (even though) (2) 4) it is a chumra b'lo tam (strict without a strong reason).*

The **Maharshal** explains this *chumra*. We refer to covers that are narrow on top, and it is impossible to clean the space inside the narrow part. Therefore, even if the cover is *aino ben yomo*, it will *asser* the food in the pot since the food stuck in the cover is *bain*. The **Taz** (2) says that we can measure and see if there is 60 against the narrow part of the cover, then what is in the pot is *mutar*.

THE RAMA SAYS:

*In the event that you took a hot cover off a pot of meat and placed on a pot of milk, then if both the cover and milk pot are hot both, (the pot and the cover)<sup>14</sup> are assur providing that there was food in both pots. If the cover cooled but the milk pot is hot, both the cover and pot are assur 5) providing that the pot is giving off *zaia*, because of the din *tata'ah gavar*. 6) If the cover is hot and the *k'daira* is cold, then both are *mutar* and the food in the pot is only assur *k'dai k'lipa* if the *klipa* can be removed, otherwise even the food is *mutar*. If there is no food in the *k'daira*, then everything is *mutar* because of the din of *shtai k'dairas* that touch each other.*

The **Rama** discusses 3 cases.

1. Both the pot and cover are hot.
2. The pot is hot and the cover is cold.
3. The pot is cold and the cover is hot.

In the first two cases, both the pot with the food and cover are *assur*. The reason is because the steam will go to the cover and transfer the *bliss* into the pot.

In case three, the reason a *klipa* of the food is *assur* is because some drops will drip into the food. If there is no food in the pot, the **Rama** holds that everything is *mutar*.

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<sup>13</sup> A *kli* used within 24 hours.

<sup>14</sup> The food is also *assur* if there is not 60 against the cover – **Pri Chadash** 10.

However, the **Shach** (6) brings that the *Hagaos Sha'ari Dura* holds that the pot is *assur*. The *Shach* agrees to the *Sha'ari Dura*. He brings three reasons to be *machmir*.

1. The *Maharam M'Rottenberg* holds if a drop falls on the blade of a knife, you need *n'itzza*, and *n'itzza* by a knife is like *kelipa* by food.<sup>15</sup>
2. Our case is worse, because the cover is together with the drops so they do not cool down as much.
3. There are those that hold that a *keli cheres* is *assur* by *keli shaini*, so certainly *irui shenifkake bachiluach* will *osser*.

## Kli Cheres

### Avoda Zara 33B

**Rav Asi** said, *Cheres* cups (that a non-Jew used to drink *yain nesech*) are *assur*. **Rav Ashi** said they are *mutar*. The *halacha* is that if the non-Jew used it the first and second time, it is *assur*. If the non-Jew did not drink from it until its third use, it is *mutar*.

**Rashi** on the *Gemora* says, we refer to cups that you use for drinking. They are made of *cheres*, so they absorb quickly.

We learn from this *Gemora*, the first two times you use a *keli cheres*, it absorbs liquids quickly because it is porous, and therefore absorbent. However, if you used the *keli cheres* two times for *heter*, it becomes *sofya* – full, and it will not absorb if you used it the third time for *issur*.

There is a *machlokes* at what stage a new *keli cheres* will absorb liquids:

- 1) The **Taz** brings the **Bais Yosef** that the R"Y *Halavan* says: if the *keli cheres* is full, it will not absorb liquid left in it a whole night. This is because it already absorbed a few times previously. We see that if you never used it, it will absorb even cold. The **Mishb'tzos Zahav** says that it will be *absorb* even in 12 hours, or possibly even in an hour. In *Siman* 105:1 he brings the **Pri Chadash** that says that a new *keli cheres* will absorb immediately.
- 2) The **Nekudas Hakesef** says that a *keli cheres* is no different than food, and takes 24 hours for *kavush*. He holds like *Tosefos* who argues with

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<sup>15</sup> This follows the explanation of the *Zer Hashulchan* in *Zer Hakesef*.

*Rashi*. *Tosefos* hold that the *Gemora* means that you must wash a *keli cheres* three times in order to use it.

#### **Halacha L'ma'aseh**

The **Pri Megadim** holds that unless there is a *hefsed m'rubeh*, we should hold like the *Taz*. After using the *keli* twice, it is *sovaya* and is *mutar* even without a *hefsed m'rubeh*. However, in *Siman* 105:1 he says that a new *keli* that you used for cold *issur*, is *assur* even in a *hefsed m'rubeh*.

#### **Kavush**

The **Taz** (2) brings the *Lavush* and *Bach* that say that if you put the milk in an old milk *keli cheres* even if you left the milk inside for 24 hours the milk will not be absorbed. Therefore, if meat is cooked in it afterwards the meat is *mutar* since the *keli* remains an *aino ben yomo*. They bring a proof from the following *Gemora*.

#### **Baba Metzia 40b**

The *Mishna* says: Someone who gives his friend oil to watch, if he gave it to him in old barrels, and the person watching added his own oil to the barrel. When he returns it, he must return the full amount of oil that he received, and cannot deduct what the barrels absorbed. The *Gemora* explains, since the barrels are full, they will not absorb anymore. The **Bach** says, we see that even if it was in the barrel for 24 hours, it will not absorb.

The **Taz** argues. He says that after 24 hours the *keli* will absorb. The reason in the *gemora* that you cannot deduct what got absorbed is because, even if something will come out of the *keli* after 24 hours, other oil will replace it. Therefore, the same amount of oil remains in the *keli*, so the absorption does not cause the owner a loss. However, in our case, since something new went into the walls of the pot, therefore the pot is now a *ben yomo*. If you cook meat in it, the meat will be *assur*.

## Review Questions

- 1) Is there is a *din* of *bagala* when milk is being cooked?
- 2) According to the *Baal Haitur*, if milk was cooked in a meat *keli* and there was 60 against the pot, can the pot be used for milk or meat? Does it make a difference what the *keli* is made of?
- 3) According to *Rabbainu Peretz* why do we *osser* the *aino ben yomo* meat *keli* in the question above?
- 4) Why is the *Tur* surprised by the *din* of the *Baal Haitur* but not by the *din* of the *Rashba*? (3 answers.)
- 5) According to the *Rashba* can *bagala* be done with milk? Does he argue with the *Baal Haitur* and *Rabbainu Peretz*?
- 6) What is the *machlokes* between the *Chavas Da'as* and R' *Akiva Eiger*?
- 7) *L'halacha*, what is the *din* of milk cooked in an *aino ben yomo* meat *keli*? Is this *b'diavad* or in a *hefsed m'rubeb*?
- 8) What is the reason to *osser* an *aino ben yoma* cover placed on a pot cooking the opposite *min*?
- 9) If a new *keli cheres* bowl is used for milk and then within 24 hours used for cold meat *rotav* what is the *din* of the bowl?
- 10) What is the *din* if the bowl was used two times for milk and the third time for meat *rotav*?
- 11) Is there a *din kavush* on an old *keli cheres*?

## Questions on Shiurim

### Question

How can the *Ba'al Haitur* hold that *hagala* was done to the pot by milk since no pot contains 60 against the pot itself?

### Answer

The *Bais Yosef* give 3 answers to this question:

A. He can hold like the *Ravad* and therefore it can be estimated how much meat comes out. B. We know how much meat was in the pot and it is *batel*. C. We are speaking about a wide thin pot that can hold 60 against itself.

### Question

Why must *hagala* be done at least 24 hours after the last *bishul*? Is it so the milk absorbed in the meat pot won't come out and *osser* the large pot in which the *hagala* is being done?

### Answer

If we wait until the *kli* is an *aino ben yomo* then we do not need 60 against it to *kasher* it.

### Question:

If I pour ketchup on a hot steak does the ketchup in the container become *basary* (meaty)?

### Answer:

Look in the *Rama* Siman 105:3. There he says that it is *assur* to pour *kosher shuman* (fat) onto a candle that is made from *issur shuman*. Only *b'diavad* it is *mutar*. The *Taz* says the reason is because of *nitzuk chibur* (the stream connect the two *shumanim*). Therefore the ketchup would be *basary*. However the *Shach* holds that the reason it is *assur* is because of the moisture that is rising while the candle is burning. Therefore pouring ketchup onto a hot steak would not be a problem.

The *Chavas Das*, *Siman* 91 *Biurim* 6, says that liquid is not considered a *chibur* (connection). Therefore the ketchup remains *parve*.