



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Samach

MISHNA

- If a deal was made to buy a certain amount of produce from a field, the seller may not then mix in produce from another field. This is so, even if both sets of produce are equally fresh, and surely if the agreed upon produce was older (older grain is drier and produces more flour than fresh grain).
 - In truth they said, if someone agreed to buy weaker wine, the seller may mix in some stronger wine, because that enhances the weaker wine.
 - A seller may not mix the sediment of wine into wine, but he may put in its sediment.
 - If someone's wine is mixed with water, he may not sell it in a retail store unless he tells every customer that the wine is diluted, and he may not sell it to a merchant even if he tells him that it is diluted, because the merchant will buy it and cheat his customers. However, in a place where it is the custom for sellers to put water into their wine, they may do so.
 - A merchant may take grain from 5 different threshing floors and put it into one silo, and he may also buy wine from 5 different wine presses and put it into one barrel, as long as he does not intend to mix them (he doesn't have everyone think that all his merchandise is of one quality, and then mixes in inferior quality merchandise – Rashi).

GEMARA

- A Braisa says, it is obvious that if the new grain is cheaper than the old grain, that the seller may not mix the new grain into the old grain. Moreover, even if the new grain is more expensive than the old grain, he may still not mix in the new grain into the old grain, because people want aged grain.

BE'EMES AMRU B'YAYIN HITIRU L'AREIV KASHEH B'RACH...

- **R' Elazar** said, from here we see that the words "in truth they said" are used to introduce an accepted halacha.
- **R' Nachman** said, adding stronger wine is only good for the weaker wine during the production process. At a later time it would be detrimental for the weaker wine.
 - **Q:** How is it that today people mix wines even not during the production process? **A: R' Pappa** said, this is known, so buyers are mochel. **R' Acha the son of R' Ika** said, the people follow the view of **R' Acha**, who says in a Braisa that anything that can be tasted by the customer before he buys it, is allowed to be mixed in.

V'EIN M'ARVIN SHIMREI YAYIN B'YAYIN...

- **Q:** How does the Mishna say that its sediment may be mixed in when it just said that no sediment may be mixed in? We can't say that the Mishna means it may be mixed in if he notifies the customer, because the next part of the Mishna discusses notification, which suggests that this part of the Mishna means it may be mixed in even without notifying the customer!? **A: R' Yehuda** said, the Mishna means that a seller may not mix sediment from one barrel of wine into wine of another barrel, but he may take the sediment from the barrel and mix it with the wine of that barrel. A Braisa says this clearly as well.

MI SHENISAREV MAYIM B'YEINO HAREI ZEH LO YIMKARENU BACHANUS...

- Wine from a store was brought to **Rava**. He diluted it and tasted it and did not like the wine, so he sent it back to the store. **Abaye** asked him, our Mishna says one may not sell diluted wine to a merchant because he will sell it as undiluted wine, so how are you allowed to return diluted wine to the storeowner, when you know that he will cheat people with it!? **Rava** said, the way I dilute the wine it is very noticeably diluted, so there is no way the storeowner could cheat people by saying it is undiluted. You can't say that I need to be concerned that he may add some

more wine to weaken the dilution effect and then pass it off as full strength wine, because then we would have to be concerned with anything we sell to a merchant.

MAKOM SHENAHAGU L'HATIL MAYIM B'YAYIN YATILU...

- A Braisa says, the amount of dilution will depend on the custom of the area – whether it may be a ½ water, 1/3 water, or ¼ water.
 - **Rav** said, this is only allowed during the wine production process.

MISHNA

- **R' Yehuda** says, a storekeeper may not give toasted grain or nuts to the children, because it makes them used to coming to his store. The **Chachomim** allow this.
 - He may also not lower his prices below market price, but the **Chachomim** say that one who does is actually remembered for good.
 - **Abba Shaul** says he may not sift the crushed beans (to enhance their appearance, and thereby overcharge for them), but the **Chachomim** allow it, but they agree that he may not just sift the top layer (making customers think that the whole thing is sifted), because that would be cheating them.
 - A seller may not enhance the appearance of a slave, an animal, or keilim that he is trying to sell.

GEMARA

- The **Chachomim** allow the storekeeper to give out nuts, because he can tell the other storekeepers who complain “you can give out better things to attract customers if you want”, and therefore this is not an unfair advantage.

V'LO YIFCHOS ES HASHAAR VACHACHOMIM OMRIM ZACHUR LATOV...

- **Q:** Why do the **Chachomim** say it is fair to disadvantage other stores in this way? **A:** He will have a chain effect that will make the wholesalers lower their prices as well, which will be good for everyone.

V'LO YAVOR ES HAGRISIN...

- The **Chachomim** is the view of **R' Acha**, who says in a Braisa that enhancing the appearance of merchandise is allowed when the customer will be able to tell what was done.

EIN MIFARKISIN LO ES HA'ADAM...

- A Braisa says, a seller may not make the hair of an animal stand up (by giving it a potion to drink or by brushing it, making it look bigger), or blow up its stomach, or soak meat in water (it makes it look more tasty).
 - The Gemara tells of a number of Amora'im who allows seller to enhance the appearance of merchandise in different ways.
 - **Q:** Our Mishna said one may not enhance the appearance of items for sale!? **A:** It is mutar to do so to new merchandise. It is assur to do to old merchandise to try to make it look new.
- **Q:** How would a seller enhance the appearance of a slave to try and fool a customer? **A:** It is like in a story that happened. An old slave dyed his hair black. He couldn't convince **Rava** to buy him (because **Rava** said he rather employ Yidden than goyim) but he did convince **R' Pappa bar Shmuel**, who later realized that he was fooled.

HADRAN ALACH PEREK HAZAHAV!!!

PEREK EIZEHU NESHECH -- PEREK CHAMISHI

MISHNA

- What is “neshech” and what is “tarbis”? Neshech refers to one who lends 4 dinars for a payment of 5 dinars, or who lends 2 se'ah of wheat for a payment of 3 se'ah. Doing so is assur, because it “bites” (the literal meaning of the word neshech) the borrower, by making him pay more than he borrowed. Tarbis is one who increases his assets with produce as follows. Someone bought a kor of wheat at its market price of 25 silver coins. Before taking delivery, the price rose to 30 silver coins. The buyer then asked for delivery of his wheat saying that he needs it, because he wants to sell it and buy wine. The seller told him, I will keep the wheat and create a debt of 30 silver coins to you, and you can then come and get 30 coins of wine from me at a later date, and

the seller does not actually have wine at that time. This would be a problem of tarbis (ribis) because if the price of wine were to go up in value before he gives him the wine, he would be paying a debt of 30 silver coins with wine worth more than 30 silver coins.

GEMARA

- **Q:** By the fact that the Mishna gave an example of tarbis as a case where it is only ribis D'Rabanan, it must be that tarbis D'Oraisa is actually the same thing as neshech (which is why when the Mishna wanted to give a case that only involves tarbis it had to give a case D'Rabanan). However, the pasuk says neshech regarding money and tarbis regarding food. This must mean that D'Oraisa there are cases that are only considered neshech and cases that are only considered tarbis!?
 - You can't say that a case of neshech without tarbis would be where he loaned 100 perutos for a repayment of 120, for the following reason. If the value of perutos had decreased between the loan and the repayment (initially it was 100 perutos to a danka and later it was 120 perutos to a danka), then if we look at the initial value of what was loaned there would certainly be neshech and there would be tarbis as well (he profited from the loan). If we look instead look at the value at the time of repayment, then it can be said that there is no neshech and no tarbis!
 - You can't say that a case of tarbis without neshech would be where he loaned 100 perutos for a repayment of 100 perutos, but the value of the perutah had increased in the interim, because here too, if we look at the value at the time of the loan there is no neshech or tarbis, and if we look at the value at the time of repayment, there is both neshech and tarbis!
 - **A: Rava** said, there is no case of neshech that doesn't include tarbis, and no case of tarbis that doesn't include neshech. The reason they are written as two things in the Torah is to make a person be liable for two lavim if he loans with ribis.