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Bava Metzia Daf 60

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Mishna**

A seller must not mix together produce with produce (from two different fields), even new with new (for once he agreed to sell from this field, he cannot deceive the buyer, even if the produce from both fields have the same degree of freshness); and there is no need to state, new with old (for the old grain yields more flour than the fresh grain). In truth, for wine, they permitted the mixing of strong wine with mild wine, because this improves it. The sediment of wine may not be mixed with wine, but the seller may out in its sediment. [The Gemora will explain the preceding law.]

If one’s wine were mixed with water, he must not sell it in the store, unless he informed the buyers (that it is diluted). He may not sell it to a merchant, even if he informed him, for the merchant’s intention is only to deceive customers. In a place where it is the custom to put water in wine, they may put it. A merchant may purchase the grain from five different granaries and put them into one silo (to sell, for everyone knows that this is the common practice and there is no deception involved). He may also purchase wine from five different wine presses, and put into one large cask, provided that he does not intend to mix (if most of his wine comes from a high quality, it would be deceptive to mix in inferior quality). (59b – 60a)

### **Mixing the Wine**

The Gemora cites a *braisa*: It goes without saying that the seller cannot mix (the cheap new grain into the older grain) when the new produce stands at four *se’ahs* per *sela*, while the old produce is priced at three (for he is cheating the buyer by mixing in cheaper grain); but even when the new produce stands at three (*se’ahs* per *sela*) and the old produce stands at four (*se’ahs* per *sela*), they may still not be mixed, because the higher price of the new produce is due to the fact that one wishes to age it (but this buyer wants the flour now).

The *Mishna* had stated: In truth, for wine, they permitted the mixing of strong wine with mild wine, because this improves it.

Rabbi Elozar said: This means to say that whenever the *Mishna* says “in truth,” it means that the *halachah* follows this opinion.

Rav Nachman said that this *halachah* applies only in the season when they are producing wine (for otherwise, they will not mix the two wines together, for one taste will ruin the other).

The *Gemora* asks: But nowadays, they mix the wines even when it is not the wine producing season?

Rav Pappa answers: The buyers know about it and excuse the sellers. Rav Acha the son Rav Ika said that this follows the opinion of Rav Acha, who holds that the seller is permitted to mix produces if the buyer will taste it first.



The *Mishna* had stated: The sediment of wine may not be mixed with wine, but the seller may put it in its sediment.

Rav Yehudah explains the intent of the *Mishna*: The seller cannot mix the sediment from yesterday's wine into today's wine; nor may he mix the sediment from today's wine into yesterday's wine (*for the wine from one barrel will ruin the wine from the other*), but he may put into the wine its own sediment. The *Gemora* cites a *braisa* which supports this explanation.

The *Mishna* had stated: If one's wine were mixed with water, he must not sell it in the store, unless he informed the buyers (*that it is diluted*). He may not sell it to a merchant, even if he informed him, for his intention is to deceive customers.

Rava once brought wine from a store. After diluting it with water (*as was the common custom*) he tasted it, and on finding that it was not pleasing, he returned it to the store.

Abaye challenged him from our *Mishna*, which states: He may not sell it to a merchant, even if he informed him!?

Rava replied: My dilution is well known (*for a lot of water was added*). And if you would object that the seller may add wine to it, thus strengthening it, and then sell it as strong wine — if so, the matter would be endless (*for it would be forbidden to sell a merchant anything; we are concerned only when the merchant can deceive the buyers with the item in its present state*).

The *Mishna* had stated: In a place where it is the custom to put water in wine, they may put it.

The *Gemora* cites a *braisa*: The mixture may contain half-water, a third or a quarter (*depending upon the particular custom in that city*).

Rav said: This was permitted in the season when they were producing wine. (60a)

### ***Mishna***

Rabbi Yehudah says: A storekeeper may not distribute parched grain or nuts to children, because he accustoms them to come to him, but the *Chachamim* permit this. And he must not lower the price, but the *Chachamim* say that he shall be remembered favorably. He may not sift the ground beans (*to remove the waste*); this is the opinion of Abba Shaul. The *Chachamim*, however, permit it, but admit that he may not sift (*only*) from the top of the bin, since this is only to deceive the eye. One may not beautify a human being or an animal or utensils. (60a)

### ***Advertising Practices***

The *Gemora* explains the *Chachamim's* opinion: The storekeeper can say, "Just like I am giving out nuts, you may give out prunes." He can also lower the prices and be remembered favorably, for this will bring down the market price.

The *Mishna* had stated: One may not beautify a human being or an animal or utensils.

The *Gemora* cites a *braisa*: An animal may not be made to have its hair stand like a stick (*so it should appear fatter than it really is*). Its intestines may not be inflated and its meat may not be soaked in water (*to make it look fatter*).

The *Gemora* explains how an animal's hair is made to stand like a stick. Here, in Bavel, it was explained that they gave the animal a broth of bran to drink. Zeiri said in the name of Rav Kahana: They brushed the animal's hair.



The *Gemora* notes several advertisement practices that were acceptable. Shmuel permitted silk fringes to be put on a cloak (*to make it look nicer*). Rav Yehudah permitted a starch to be put on decorated cloths. Rabbah permitted the canvas to be beaten (*so that the fibers should appear finer*). Rava permitted arrows to be painted. Rav Pappa bar Shmuel allowed wicker baskets to be painted.

The *Gemora* asks: But did we not learn: One may not beautify a human being or an animal or utensils!?

The *Gemora* answers: There is no difficulty, for one refers to new merchandise (*where this advertising practice is permitted, for people are willing to pay more for it*), and the *Mishna* refers to old (*where this practice is forbidden, for the seller is deceiving the buyer into thinking that the merchandise is new*).

The *Gemora* asks: What is the purpose of beautifying a man?

The *Gemora* answers: As in the case of a certain aged slave who went and had his head and beard dyed black, and he came before Rava, saying to him, "Buy me." Rava replied, "Let the (*Jewish*) poor be the children of your house." So he went to Rav Pappa bar Shmuel, who bought him. One day he said to the slave, "Give me some water to drink." Thereupon, he went, washed his head and beard white again, and said to him, "See, I am older than your father." At that, Rav Pappa applied to himself the verse: *The righteous man (Rava) is delivered out of trouble, and another (referring to himself) comes in his place.* (60a – 60b)

WE SHALL RETURN TO YOU, HAZAHAV

### **Mishna**

This *perek* deals with the laws of interest. The Torah refers to interest as *neshech* – biting (*for paying interest "bites"*

*the borrower*), and *tarbis* – increase (*for the lender gains as a result of the interest*).

What is *neshech*, and what is *tarbis*?

What is *neshech*? One who lends a *sela* for five *dinars* (*there are four dinars in a sela*), or one who lends two *se'ahs* of wheat for three; these (transactions) are forbidden, since the lender is "biting" the borrower.

And what is *tarbis*? One who increases his assets through produce. How so? Someone bought wheat from a seller at one golden *dinar* (*equivalent to twenty-five silver dinars*) per *kor*, and this was the established market price. [A buyer pays in advance for wheat that will be delivered to him later; the price is fixed in the beginning to protect the buyer from any future increase to the price of wheat; in the meantime, the seller is allowed to use the money; this is viewed as a type of loan, for the buyer is "loaning" money to the seller until he receives his wheat; if the price of wheat increases, it would be regarded as if the seller is repaying the buyer with more than he borrowed; the Rabbis prohibited this type of purchase except if the seller possessed the wheat at the time of the payment, or if the market price for wheat has been established; if either of these things happened, it would be permitted, for we view it as if the buyer took possession of the wheat from the onset.] Later, the price of wheat increased to thirty *dinars*. The buyer said to the seller, "Give me my wheat, for I want to sell it and buy wine with it." [The seller would have been allowed to give him the wheat, as we explained above.] The seller said to the buyer, "Your wheat is considered by me to be a debt of thirty *dinars*, and now you can make a claim against me for wine worth thirty *dinars*," but he has no wine. [This would be forbidden since the seller does not give the buyer money now, with which he could purchase wine, but rather purchases from him wine with the loan which he has from the money for the wheat. The Rabbis were concerned that the wine



might increase in value; this would be the “increase” which is prohibited by Rabbinic decree.] (60b)

### ***Neshech and Tarbis***

The *Gemora* notes: By the fact that the *Mishna* left out a case of *tarbis* which would be Biblically forbidden, and instead chose to discuss a case which is Rabbinically forbidden; this would indicate that *neshech* and *tarbis* are the same thing (and every case of interest forbidden by Biblical law will contain *neshech* – biting the borrower, and *tarbis* – an increase to the lender)!

The *Gemora* asks: But there are verses which would indicate that they are two separate things, for it is written: *neshech* with respect of money and *ribbis* with respect of food!?

The *Gemora* questions this: How could there be a case of *neshech* without *tarbis*? If someone lent another one hundred *perutos* on condition that he will repay him with one hundred and twenty *perutos* (and the value of the *perutah* changed as follows): At the time of the loan, one hundred *perutos* would be exchanged for a *danka* (silver coin), but at the end, one hundred and twenty *perutos* equaled a *danka*. In this case, there is *neshech*, for the lender is “biting” the borrower, since the lender is taking from the borrower something that he did not give him (the extra twenty *perutos*). However, there is no *tarbis*, for the lender lent him a *danka*, and he is now receiving a *danka*.

The *Gemora* rejects this line of reasoning, for if we consider the rate of exchange in the beginning, there is *neshech* and *tarbis*, and if we consider the rate at the end, there is no *neshech* and there is no *tarbis*!

And furthermore, is it possible to have a case of *tarbis* without *neshech*? If someone lent another one hundred *perutos* on condition that he will repay him with one

hundred *perutos* (and the value of the *perutah* changed as follows): At the time of the loan, one hundred *perutos* would be exchanged for a *danka* (one sixth of a *dinar*), but at the end, one hundred *perutos* equaled one fifth of a *dinar*. [In this case, there is no *neshech*, but there is *tarbis*.]

The *Gemora* rejects this line of reasoning, for if we consider the rate of exchange in the beginning, there is no *neshech* and there is no *tarbis*, and if we consider the rate at the end, there is *neshech* and there is *tarbis*!

Rather, Rava said that there will not be a Biblical case of interest where there will be *neshech* without *tarbis*, and there will not be a Biblical case of interest where there will be *tarbis* without *neshech*. The Torah divided them separately to teach us that one who lends with interest will violate two separate prohibitions (one for *neshech* and one for *tarbis*). (60b)

### **INSIGHTS TO THE DAF**

#### ***Undercutting the Price***

There is a dispute in the *Mishna* whether a seller is allowed to undercut and sell below market price so that people will buy in his store. The *Gemora* seems to ask why the *Chachamim* permit this type of price setting. The *Gemora* answers that ultimately it will have a positive result on the market because it will force the market price to be lower. The implication of the *Gemora* is that one can only undercut the market in this way when it will in fact be beneficial to consumers by lowering the market price. However, in a situation where it will not result in actually lowering the market price (perhaps because the market is too large to be lowered by one merchant, such as the case nowadays with internet sales), the seller would be forbidden to undercut the market to encourage consumers to buy in his shop.



However, R' Shlomo Kluger (Chochmas Shlomo C.M. 228) makes a beautiful *diyuk* from Rashi that perhaps that is not the *halachah*. When the *Gemora* asks – what is the *Chachamim's* reason? Rashi comments: Why is the seller favorably remembered? Meaning, the *Gemora* isn't asking why the *Chachamim* permit to sell for cheap, rather the *Gemora* is asking why is it considered so positive and even a blessing. To that the *Gemora* answers that the seller is remembered for good because he helps consumers by lowering the market price. This rationale is only necessary to explain why it is a good thing for the seller to do, but even without this rationale, the *Chachamim* hold that it is permitted. Based on this, R' Shlomo Kluger justifies why the Shulchan Aruch fails to limit this permission in any way, and rules that one can always undercut the market price even in a situation where they are selling to a different city and their sales won't have a positive effect on the market.

It would seem that it is permitted for one to undercut his competitors to provide incentive to the consumers to shop by him, put them out of business, and then raise the price (*within the confines of ona'ah*). But perhaps we can be *medayek* from Rashi on the *Mishna* that this type of devious behavior is not permitted. Rashi, when explaining the *Tanna Kamma* who holds that it is forbidden to do this, comments: מפני שמרגיל לבא אצלו ומקפח מזונות חבירו. Rashi indicates that the case we are discussing is when he is harming the other merchants only by luring their customers to his store. This is similar to distributing candies where you would not be putting the other merchants out of business, just “stealing” their customers. Since the other merchants can also distribute candy and/or lower their price to compete - it is fair capitalistic business practice, so the *Chachamim* permit it. However, in a situation where one merchant is wealthier than the rest and can afford to literally sell at a loss for six months to force his competitors out of business, it is very possible that even the *Chachamim* would agree to the

*Tanna Kamma* that it is forbidden, since the other merchants don't have the ability to compete.

#### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: What was the practice of the soldiers who fought in Dovid's army?

A: They would write a get to their wives to be valid on condition that they would not return.

Q: Regarding what is shaming someone in public worse than cohabiting with a married woman?

A: He would not have a portion in the World to Come.

Q: Why don't we rule according to a Heavenly voice?

A: It is because Torah is not in the Heaven; it was given to humans.

#### DAILY MASHAL

HaGaon Rabbi Chayim David Kovalski, who heads the *beis midrash* for Daf HaYomi lecturers, stressed that halachos concerning interest have a unique characteristic absent in many others, such as those of Shabbos. The halachos and details of both Shabbos and interest are ramified and include many rabbinical prohibitions to prevent transgressing the original interdictions of the Torah. However, if we learn a halachah of Shabbos, such as any pertaining to *muktzeh*, we do not have to know anything about other Shabbos topics, such as the *melachah* (work) of reaping. This is not true of the prohibition against interest, where one basic concept ramifies into all the details.