

Shoel U'Mashiv

The Case of the Cleaning Lady and the Non-Mevushal Wine

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Q - I received a text that a family's non-Jewish cleaning lady had moved their non-Mevushal wine and wanted to know how this affected its Kosher status? Upon further questioning I discovered that it was a bottle that sat on the counter while they slowly finished it one glass at a time and she had moved it while cleaning the counters.

A - What is the issue of a non-Jewish moving non-Mevushal wine?

The *Shulchan Aruch Y.D.* 123:1 says that *Stam Yeinam*, which is regular wine that has not been cooked (referred to as non-Mevushal, meaning non-cooked), is prohibited in benefit if it belongs to a non-Jew. He says the same is true of a Jew's non-Mevushal wine that a non-Jew touches. The *Rema* there explains that this is a decree the Rabbis made because they were worried a Jew might benefit from the libation wine of a non-Jew and we have a rule that any item used for idol worship is totally prohibited in any form of benefit (ex. to drink, to sell, etc.). He adds that in current times since idol worship is not extremely common, if a non-Mevushal wine was touched by a non-Jew one is allowed to get benefit from it (i.e., sell it), but they cannot drink it.

The *Shulchan Aruch Y.D.* 123:3 says if the wine was *Mevushal* (cooked), then there is no problem for a Jew to drink it, even if a non-Jew touched it. The *Rambam Machalos Issuros* 11:9 explains that the Rabbis only made their decree about wine that would be brought as a libation, but since it is cooked it loses its elevated status and therefore, it would not be brought as a libation.

The simple *Halacha* would seem to be that the wine is prohibited.

Is there any room to be lenient in the case of a cleaning lady?

The *Shulchan Aruch Y.D.* 125:9 says if a non-Jew moves a jug of wine, even if they grab the jug in their hand, the wine is permitted since that is not the way libations are done. Furthermore, the *Shulchan Aruch Y.D.* 124:25 says that in such a case the wine is permitted to be drunk. The *Shach* 124:74 explains the case that the jug is closed. Therefore, in our case, since the cork was in the bottle, even though the bottle had been opened and no longer had the seal, the wine is still permitted.

The best practice is to plan ahead and store the wine in a place where they won't go or touch it.