

The soup bowls are being cleared off. The animated talk between extended family members who don't often see each other begins to die down as the kallah's father rises to speak. With a feeling of gratitude to be at the Shabbos Sheva Brachos of his youngest child, he raises his glass, wishing the crowd a heartfelt "LeChayim!". The wine is a special edition run from a venerable French estate, available in limited supply. A special purchase for a special occasion. Beginning with an original thought on the parsha he's been saving for just the occasion, he then launches into the history of just how far back these two families truly go. Suddenly, a sight catches his eye, causing him to freeze mid-sentence. A waiter has been circling near the head table, ready to serve the main course. Seeing the table a bit cluttered, he moves the bottle over to make space for a plate. The bottle. Now what?

What is Yayin Nesech?

When we commonly refer to Yayin Nesech, we are generally referring to two separate yet intertwined halachos. The first halacha revolves around the practice of Avoda Zara, idol worship. Libation, pouring wine as an act of offering for an Avoda Zara, was one of the many forms of service. Any wine that was used for such an act is forbidden mi'Dioraysa. Taking this a step further, as Avoda Zara worship was extremely common, any time a non-Jew would have interaction with wine there was good reason to assume the wine was touched improperly even without absolute knowledge of such an act. As such, Chaza"l extended the prohibition to include Stam Yaynam, any wine left unsupervised with a non-Jew unless it could be ascertained that there was no problematic interaction. This category would nonetheless be limited to scenarios where Avoda Zara is a genuine concern. If the non-Jew in question was a Moslem, or of any other non-Avoda Zara belief, at this point the wine would still be permitted.¹

Chaza"l then instituted a second halacha, referred to as the restriction of Stam Yaynam. This is an across the board enactment banning all wine handled by a non-Jew, even when there are no Avoda Zara concerns. Why so? As the first Beis Hamikdash went up in flames and Klal Yisrael began their trek into exile, the leaders of the generation understood that a new chapter was about to begin. It would be a time when a Jew would have to learn to survive and thrive in an environment with far different ideals. Now, it was time to learn how to live as a Jew among non-Jews. To ensure that a Jew would remain forever conscious of his unique identity, Chaza"l designed a series of enactments aimed at keeping the Jew from being caught in the social web of society. These laws restricted eating bread baked by non-Jews, food cooked by non-Jews, and wine handled by non-Jews, even when these foods were otherwise of entirely kosher nature.

Although this second halacha was aimed at preventing societal mingling, and as such targeted wine handled by all non-Jews irrespective of whether or not the individual in question actually believed in a form of Avoda Zara, the law was nonetheless modeled after the original Yayin Nesech prohibition. Thus, the guidelines for which types of wines and which type of non-Jewish interaction will cause a wine to become forbidden as Stam Yaynam mirror those of Yayin Nesech.

Which types of wines are subject to the laws of Yayin Nesech/Stam Yaynam?

¹ In the event a non-observant Jew interacted with the wine, the wine can become forbidden as well. The status of a non-observant Jew in this regard however is often dependent on specific details. As well, the level of prohibition he can effect is a subject of debate. A Rav should be consulted.

These concerns apply to all standard wines, unless they have undergone a heating process. Wines labeled as Mevushal ("cooked") are not subject to these laws. As mentioned, both concerns are modeled after the possibility of Avoda Zara libation. Since cooking the wine generally reduces the quality, such wine would not have been used for Avoda Zara, and as such, was not included in these prohibitions.

The general consensus of Poskim today is to consider the pasteurization process sufficient to render a wine as Mevushal. Indeed, bottles marked as Mevushal generally refer to having undergone pasteurization.

It is important to note however, that even Mevushal wine is not immune from risk. As with meat, fish and other food items, there is a concern in many scenarios that a non-Jew might drink this wine and replace it with a different, non-Kosher, wine. This is referred to as a risk of Hachlafa. It is for this reason that meat, cheese or other items sent with a non-Jewish driver or left alone with non-Jewish workers need to be properly sealed or otherwise supervised to rule out any risk. All wines, including Mevushal, are subject to this concern, and require proper seals. Failure to comply with the requirement to properly seal or mark the food can likely render the food forbidden.

Which type of touch/movement is problematic?

- If a non-Jew actually touches the wine, the wine becomes forbidden.
- If a non-Jew poured wine, not only does the wine which was poured become forbidden but the remaining wine in the bottle will become forbidden as well.
- If the bottle was touched, but not the wine itself, the wine would be permitted so long as the bottle was not moved.
- If however, the non-Jew agitates or shakes the bottle, the wine becomes forbidden even though the wine itself was not touched.² This is only true however, if the bottle was open.
- If a non-Jew moves or shakes a closed bottle of wine, the wine remains completely permitted. This is true even if the bottle was not sealed but merely closed, be it with a standard screw-on cover or reinserted cork.
- If a non-Jew touched the wine indirectly, and without specific intent, the wine remains permitted. For example, opening the door to the refrigerator while there was an open bottle on the door would carry these two criteria. Direct contact was only with the door, and the purpose was not to move the wine specifically.

If the bottle is closed, what concern remains?

While it is true that if a non-Jew moves, shakes or otherwise disturbs a bottle which is closed it will not impact the status of the wine, nonetheless, there is often a risk that if left alone the non-Jew might remove the cover or cork and pour off some wine.

This does not mean that leaving a housekeeper alone in the kitchen for a few minutes is necessarily problematic. Assuming someone is home, there often is room for reliance on "Mirsas bi'Yotzay

² If the non-Jew agitated the contents of the bottle without raising it at all, there is a disagreement among the Poskim as to the status of the wine. If, to the opposite effect, the bottle was raised with the wine inside remaining perfectly still, the wine would be permitted. Practically however, this scenario is most difficult to achieve and ascertain.

vi'Nichnas". People generally have a fear of getting caught doing something improper in a situation where it may jeopardize their employment. We can rely on this fear to assume the wine was not opened and poured. Understandably, this only holds true in a situation where the housekeeper is made aware that she may not touch the wine. Furthermore, this only holds true when there is a reasonability of getting caught in the act. If the homeowner informs the cleaning help that she is going out for a few hours, there would no longer be any fear of getting caught. In such a case, the wine would be assumed to be forbidden.

How does The Kosher Wine Lock work?

This device is a simple, efficient way of removing concern. The device fits securely over the top of a wine bottle, with a small trapdoor that will effectively lock the bottle closed. This lock is secured by a three digit combination code. The code can be reset to a personal preference. As mentioned above, if a bottle is securely locked, there is no longer any room for concern. As far as Yayin Nesech/Stam Yaynam, even were a non-Jew to move or even vigorously shake the bottle, it would make no difference at all given that a closed bottle will never become forbidden. Furthermore, there is no longer any need to constantly check in on cleaning help or others, with the aforementioned Yotzay viNichnas, to ensure a cover was not taken off, given that the secure lock removes that concern. Likewise, the risk of Hachlafa as well is negated by that which the bottle is securely sealed.

It is important to note that there is a discussion amongst the Poskim whether non-Mevushal wine can be secured with one lock or seal or if it requires two layers of protection. Regardless, the Poskim who have viewed and approved of this device concurred that it carries the full status of a double lock, meeting the requirements of all opinions.³

The benefit of this device is for both Mevushal and non-Mevushal wines. Non-Mevushal wines can now be left with ease when one has any cleaning help or workers. It can likewise be left overnight in a Simcha Hall or in the proximity of waiters. Mevushal wines as well can now be left alone in a hall or other venue with no risk of Hachlafa.

³ הורה המחבר דיין צריך ב' חותמות ודעת הרמ"א דהיינו רק לכתחילה אבל בדיעבד סגי בחותם אחת והנה דעת הט"ז דדברי המחבר והרמ"א אלו הם רק בין שיש בו חשש שיאסר מדאורייתא אמנם בזמנינו ובמקומינו שאין חשש באמת לניסוך ורק משום חתנות א"כ אין בזה אלא חשש לאיסור מדרבנן ודי בחותם אחת והנה מדברי הש"ך בנקה"כ משמע דגם הוא הסכים לזה וכן הורה הערוך השלחן להדיא

והנה אף אם אכן נחשוש להצטרך ב' חותמות מכל מקום דעת הרבנים שעיינו במכשיר הזה הוא לדונו כב' חותמות והנה לראשונה היתה זאת לעיני הגאון רב יוחנן וואזנר שליט"א גאב"ד דקהילת סקווירא וחקר באם יש לדמותו למה שסומכים על חותם אחד וכותבים איזה מילים על החותם (פלאסטיק) מאחר שגם הכתיבה נידן כחותם אחת וא"כ הרי שתיים וה"ה בנד"ד נחשב החותם עצמו כא' והמספר שעליו כאותות ויש כאן שתיים והנה בפשטות אינו דומה כלל דשם יש ב' דברים נפרדים משא"כ הכא ברגע שיכוון למספר הנכון הרי נפתח החותם ואין כאן שתיים אלא א' אמנם מאידך יש לדון ולומר דאילו ירצה העכו"ם לשבור המכשיר ולשתות ושוב לשום עליו מכשיר חדש הרי יצטרך לקנות מכשיר חדש וגם יצטרך לכוון לסדרו במספר הנכון לכוונו שהיא בהתאם להמכשיר הישן ומצד זה הרי יש שתי מעכבים אמנם בסוף העלה הרב דבלא"ה שפיר יש כאן ב' חותמות שהרי יש ג' גלגלי מספרים נפרדים ומצד כל מספר יש סגר נפרד בתוך החותם נמצא שיש כאן ג' חותמות נפרדות וכן אמר הגאון ר' שלמה אליהו מילר שליט"א שמכח המספרים הנפרדים דיינין ליה כג' חותמות וראוי לסמוך על זה לכתחילה לכו"ע גם היו מורי הוראה שאמרו דחותם אחד חזק נחשב כב' חותמות שהוזכרו בדברי חז"ל ואפילו אם נביט על זה רק כחותם אחד מ"מ הריהו מספיק חזק להחשיבו כמעלת ב' חותמות עוד יש לציין שכל הרבנים הנ"ל עמדו על המציאות של המכשיר הזה במה שאפשר לאדם לברר מספרו במשך זמן אם ינסה כל מספר ומספר עד שיגיע למספר הנכון וניסו בזה לראות כמה זמן הוא לוקח באמת ולמעשה העלו כולם דאין בזה חשש וראוי להשתמש בזה לכתחילה על צד היותר טוב