

The Mishloach Manos Conundrum: The Complicated Case of the Glass Cases

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I recently received an interesting sheilah from my old chaver, 'Chester "Zeke" Meyerfeld,'* one that surprisingly actually impacts many of us. It seems his creative daughter, always with an eye to the aesthetic, started a Pre-Purim business of baking and delivering artistically decorated and designed, delicious Mishloach Manos. In order to deliver these home-baked goodies, proper glass containers are needed in abundance. The issue is that the only semi-local store that can fit the bill for selling such copious amounts of jars and jugs is IKEA, which, as Swedish-sourced, does not have a Jewish owner.

This would mean that all of these dishes, certainly as they are being used for food consumption, would require Tevillah, being dipped in the Mikvah. The only questions here are - by whom and at what point? Would she be required to pre-dip all of these keilim in the Mikvah before packaging her 'Sweet Shoppe' baked goods in them? Or is the obligation truly on the receiver? If the latter is correct, would it even help if she decided to do Tevillas Keilim?

It actually turns out that there is no one correct solution to this interesting dilemma. But first some background is in order.

It is important to note that this sheilah is exclusively about upon whom the obligation of Tevillah is incumbent. As many Poskim emphasize, this sheilah does not affect the permissibility of the actual food that is placed in the kli, even one iota.[1]

Kashering and Tevillas Keilim

The Biblical source for requiring the kosherization of used pots from a non-Jew is in Parshas Mattos after the War with Midian, when Klal Yisrael was commanded to kasher their spoils of war that were used for food preparation. "This is the rule that Hashem commanded Moshe: As far as the gold, silver, copper, iron, tin and lead are concerned, whatever was used over fire must be made to go through fire and purged, v'taheir – and they will become pure (kosher). Yet, it must also be purified in Mikvah water. In addition, that which was not used in fire must pass through water." [2]

The Gemara in Avodah Zarah explains that the extra word "v'taheir" teaches us that there is additional type of "kashering" needed for new (unused) utensils obtained from a non-Jew that does not involve purging with fire or boiling water, but rather only dipping in a Mikvah.[3] Although there is some debate among the Rishonim whether this obligation is M'Deoraysa or M'Derabbanan,[4] all agree that Tevillah is necessary, not only for metal utensils, but according to the Gemara's conclusion, for glass utensils as well (M'Derabbanan), since they can be melted and reshaped into new utensils.

Only Klei Seudah Need Tevillah

However, there are certain qualifications that the Gemara establishes for this Tevillah, including that only “Klei Seudah” – utensils used in food preparation or serving require Tevillah, as well as only when there is an actual change of ownership from the non-Jew to the Jew. Meaning, new cutlery that was loaned or borrowed from a non-Jewish neighbor or even purchased pinkie shears[5] do not need Tevillah.

Tosafos and the Rosh cite the Rashbam, who qualifies the qualification: If one borrows a food utensil from a Jewish friend who had purchased it from a non-Jew, the first Yid is the one who needs to Toivel the utensil. He explains that although the second Yid borrowed it, nonetheless, once the first Yid purchased it for a food-related purpose, he already had a chiyuv to Toivel it.

However, the Hagahos Ha’Ashiri points out that this is only true if the first Yid intended it ‘L’Tzorech Seudah’ – for food-related purposes, otherwise, if he used it for cutting parchment (presumably the utensil under discussion was a knife), it does not need Tevillah.[6] The Tur and Shulchan Aruch codify this as the halacha.[7] The Rema points out that if he purchased said knife to cut parchment and therefore it was exempt from Tevillah, but later decided to use it for his food prep, at that point it must be immediately Toiveled – prior to using it L’Tzorech Seudah.

The Beis Yosef, and ruled accordingly by later Poskim, including the Taz and Pri Chodosh,[8] paskens that the same Tevillah exemption applies to Kli Sechorah – utensils purchased from a non-Jew in order to sell, i.e. merchandise – that the original Jewish buyer/seller does not need to Toivel it. The reason is since the utensil is only in his possession temporarily, and he does not intend to use it, but rather exclusively to sell it to another, it only becomes obligated in Tevillah upon its purchase L’Tzorech Seudah. Hence, in such a case, the final purchaser – meaning the one who intends to use it for food prep, is mandated to perform the Tevillah.

Borrowing From a Yid

Complicating matters, there is some debate among the Poskim in the following scenario. What would the halacha be if we add a lender to the case? The Shach and Taz cite the Issur V’Hetter, who although agreeing that when one purchases a knife for parchment cutting it does not require Tevillah, nonetheless differentiates when referring to a case with a lending middleman. In such a case, where the first Jew purchased it from a non-Jew for parchment purposes and then the second borrowed it L’Tzorech Seudah, the Issur V’Hetter maintains that since the first one could have decided to use it L’Tzorech Seudah, it creates somewhat of an obligation for Tevillah, and the second one (the borrower) should do Tevillah – as he is the one who is now actively using it L’Tzorech Seudah.

However, as this is notion not so clear-cut, both the Shach and Taz maintain that this Tevillah should be performed without a brachah (of ‘Al Tevillas Keili/m’). The Taz advises that when lending this kli out, he should inform the borrower that he now needs to Toivel it.

On the other hand, the Pri Chodosh argues against this approach entirely, pointing out that while the utensil was in the lender's possession it was exempt from Tevillah due to its being used for parchment purposes, and later on, although being used by the borrower L'Tzorech Seudah, as it was merely borrowed, and not actually his, it is still exempt from Tevillah.[9]

Later Poskim disagree as to practical halacha in this case. The Pri Toar, Aruch Hashulchan, and Zivchei Tzedek side with the Pri Chodosh, maintaining that no Tevillah is necessary in the case of a borrower L'Tzorech Seudah, whereas the Kitzur Shulchan Aruch, Chochmas Adam, Pischei Teshuva, and Ben Ish Chai hold that we should be machmir and Toivel it without a brachah. However, they are more lenient concerning glassware (than regarding metal utensils), as everyone holds they are only mandated in Tevillah M'Derabbanan. Hence, they conclude that l'ais hatzorech – in case of need, or where one is concerned it may break, etc. we can rely upon the more lenient opinion.[10]

With all of this in mind, we can attempt to address our original sheilah.

Chassan Tisch

Perhaps the closest and most widely-quoted precedent to our case is a teshuva from Rav Chaim Segalovitch, Moreh Tzedek in Vilna in the late 1800s, in his Shu"t Mekor Chaim. He addresses the sheilah of one who buys and intends to gift a Chosson a sterling silver Kiddush cup (becher) at a Sheva Brachos, and places it proudly on the table in front of the Chosson – whether it can be used without Tevillah as the Kos shel Brachah for the Sheva Brachos. The Mekor Chaim rules that it may indeed be used without Tevillah.[11]

His reasoning is that the one who originally purchased it from the non-Jew did so with the sole intention of gifting it to the Chosson as a "Drasha Geshank," and hence, was never obligated to Toivel it. As he gave it as a present at the Sheva Brachos and placed it out for all to admire, it still has not yet become the property of the Chosson. As such, he maintains that not only is it similar to the case of one who borrowed it from another Jew, but halachically actually better.

He explains that the Issur V'Hetter mandated Tevillah in the case of the borrower because the earlier buyer, although he technically used the knife for parchment purposes, nonetheless could have changed his mind at any time, and actually used it to cut his meat if he so wished. Hence, the Issur V'Hetter was machmir that Tevillah needed to be done. Yet, in the case of the Chosson becher, as it was purchased exclusively to give as a specific gift, there is no possibility that the buyer may come to first use it, the Mekor Chaim maintains that even the Issur V'hetter would agree that Tevillah is not mandated at that time, but rather only once the Chosson takes it home from the Sheva Brachos.

Selling and Gifting

Based on the precedent of the Mekor Chaim's ruling, several contemporary Poskim, including Rav Shlomo Zalman Auerbach, the Minchas Yitzchak, and Rav Shmuel Halevi Wosner, rule that

one who sells or gifts (new) items, should not Toivel them before selling or gifting them.[12] Rav Shlomo Zalman and the Minchas Yitzchak add that even if one would decide to do so, the Tevillah would not work, as at the time it was exempt from Tevillah, and hence the recipient would need to Toivel it again anyway.[13] This is also how Rav Tzvi Cohen, in his classic sefer Tevillas Keilim, concludes lemaaseh.

Rav Yosef Shalom Elyashiv is widely quoted as holding this way as well, with a slight qualification regarding glassware. In his opinion, in that specific case, if the purchaser/gifter decided to pre-Toivel it, then the recipient would not need to re-Toivel it, as Tevillas Keilim for glassware is Derabbanan. However, his son-in-law, Rav Chaim Kanievsky, citing the Chazon Ish, maintains that there should be no difference between types of utensils, and if the gifter Toiveled it, it would need to be re-Toiveled by the recipient (just without a brachah).[14]

Other Poskim who rule this way, that the recipient is the one who would need to Toivel it, include Rav Avigdor Nebenzahl, Rav Pesach Eliyahu Falk, Rav Yisroel Belsky, Rav Ezriel Auerbach, Rav Sroya Delilitzky, and the Rivevos Efraim.[15]

Canned Goods and Pickle Jars, Etc.

There is another potential precedent for this ruling. Around seventy years ago, Rav Baruch Lazerovsky, Rav in Philadelphia, wrote a brief teshuva in Kovetz HaMaor regarding jars of food that people purchase, heat-up and eat the food straight out of the container.[16] He maintained that since they are being purchased to eat, these cans and jars should be considered 'L'Tzorech Seudah,' and hence mandate Tevillah. Why then, he asked, does no one Toivel these containers? He concluded that he is writing this in a public forum in order to trigger public debate on the topic from the Rabbanim of the time, a goal in which he succeeded. Rabbanim weighed in on the topic in several major Torah Journals of the time, including Kovetz HaMaor and Kovetz HaPardes.[17]

In fact, the very next issue of Kovetz HaMaor featured a teshuva on the subject from Rav Yechiel Yaakov Weinberg, the renowned Seridei Aish.[18] In it, he makes several prudent points, including asking rhetorically at what point are these food canisters to be Toiveled. Meaning, they were purchased sealed with food inside. Then, after the food is finished, they are thrown out. If so, when are they to be Toiveled, if it is indeed mandated?

Citing precedent from several authorities from previous generations discussing similar cases, such as the Pri Hasadeh and the Maharshak, the Seridei Eish additionally points out that people purchase these food products exclusively in order to partake of the food inside, not to actively enjoy the containers.[19] As such, there is no actual problem with eating the food inside these containers, as the containers are not intended L'Tzorech Seudah, but rather L'Tzorech Sechorah.

Although in his original teshuva he writes that this rationale is merely a Limud Zechus (justification), as many at the time were purchasing and eating food in this manner, yet when he

later printed this teshuva in his responsa, the Seridei Aish added an addendum, citing support for his shittah from a brief teshuva of the Maharil Diskin, who rules that it is permitted to drink from a bottle purchased from a non-Jew, as such is not called 'shimush'- personal use L'Tzorech Seudah (but rather L'Tzorech Sechorah). He concludes that Rav Mordechai Gifter, Rosh Yeshivas Telz, agreed with him, as did Rav Yaakov Breisch, the Chelkas Yaakov of Zürich, Switzerland.[20]

In his teshuva, the Chelkas Yaakov wrote that these food dishes are considered Klei Otzar – storage containers, and not Klei Seudah, as they are only used to hold the food. Hence, it is only if the purchaser wishes to use them again, after finishing their initial packaged contents, when these containers would become obligated in Tevillah. The Tzitz Eliezer and Rav Moshe Sternbuch rule accordingly, offering similar assessments.[21]

Other Poskim who pasken similarly (although they differ on specific nuances) include Rav Moshe Feinstein, the Shearim Metzuyanim B'Halacha, Rav Shlomo Zalman Auerbach, and Rav Ben Tzion Abba-Shaul. Rav Moshe and Rav Braun maintain that regarding such food containers, since the buyer is truly interested in the food, its packaging is deemed insignificant.[22] Rav Auerbach and Rav Abba-Shaul hold that since the purchaser only intends to use the dish as long as the original food packaged with it remains extant, and then it is thrown out once the food is eaten, proves that it was not meant as a Kli Seudah.[23] All of them agree that in such a case Tevillah is not necessary, unless one intends to re-use them.[24] [25]

The Steipler Gaon ruled in the same vein as well, basing his psak on the Maharil Diskin, explaining that even when eating or drinking from said containers in small amounts at a time is fine, as the edible contents are still from the non-Jew's original filling it, and hence not the recipient Jew's own 'Shimush' to mandate Tevillah.[26]

Following this understanding and applying it to our case would come out similar to the first precedent of the Mekor Chaim. As long as these food containers contain their initial food contents, they as a whole, are still considered merchandise – Klei Otzar and L'Tzorech Sechorah, and hence, Tevillah is not required, unless the buyer wishes to re-use the container for his own personal use after finishing its original contents.

Use It First

Although the above seems to be the majority opinion,[27] nonetheless, there are other opinions among the Poskim. For example, Rav Moshe Sternbuch raises the issue that as many are unaware of these nuances, when receiving a gift, one may mistakenly think that the gifter was supposed to Toivel it, and hence, the recipient will not actually do so, and instead continue using it without Tevillah. As such, the gifter may unwittingly transgress Lifnei Iver, causing a fellow Jew to stumble in his Mitzvah observance.[28] Therefore, Rav Sternbuch maintains that it is preferable that before one gifts or sells a utensil to another Jew, he should first Toivel it and use it a bit as his own (meaning he first personally acquires it), and only then gift or sell it.[29]

Gifter May Toivel

An alternate viewpoint is that in these cases the Jewish gifter or seller may indeed Toivel the kli. Rav Menashe Klein highlights that Tevillah is mandated due to and at the time when a utensil exits the ownership of non-Jew. As such, even if the first Yid may have been exempt from performing this Tevillah, that fact should not keep the Tevillah from working. He points out that technically speaking, even if a kli accidentally fell into a Mikvah, it is still considered Toiveled.[30] Rav Ben Tzion Abba-Shaul rules similarly, that once the kli left the non-Jew's possession, it may be Toiveled, even if it is intended to be sold.[31]

Rav Asher Weiss maintains a comparable stance, explaining that essentially these dishes are actually considered Klei Seudah (as their purpose is to eventually be used L'Tzorech Seudah), but the seller/gifter is technically exempt from Toiveling them as his intention in possessing them is merely for selling or gifting them. Ergo, if he decides to Toivel them, it should certainly work. Rav Nissim Karelitz, Rav Ovadiah Yosef, Rav Nosson Gestetner, the Avnei Yashpei, the Mishnas Yosef, and Rav Avigdor Nebenzahl are quoted as holding similarly.[32]

This is also the opinion of Mv"R Rav Yaakov Blau, who differentiates between stores in a predominantly Jewish area versus a non-Jewish one. He explains that in a place where the merchandise is almost guaranteed to be sold to a Jew L'Tzorech Seudah, as it has already left the possession of non-Jews, it may already be considered a Kli Seudah. Therefore, the seller may Toivel it for them. He adds that the same would apply to a gifter. Since his intention is for it to be used by the recipient as a Kli Seudah, he may already be Toivel it.[33]

According to the understanding of these Poskim, the seller/gifter would be allowed to Toivel keilim before selling or gifting them, as either way, the bottom line is that the 'cheftza' of the kli (the utensil itself) was indeed Toiveled after leaving the non-Jew's possession.

However, as Rav Karelitz and Rav Weiss point out, if following this logic, the seller will not be able to make a brachah on this Tevillah, as he is currently not the one actually obligated to do it. Indeed, as stressed to this author in person by Rav Weiss (as well as borne out from Rav Nebenzahl's teshuvos), this 'Pre-Toiveling' is merely a solution, not necessarily a preferred option (unless dealing with someone whom you know will not Toivel it either way),[34] as these Poskim still maintain that the Ikar Chiyuv Tevillah is still incumbent on the recipient, and not the seller or gifter.

Gifter's Obligation

However, there are other opinions among contemporary Poskim as well. For example, Rav Shmuel Kamenetsky, Rosh Yeshivas Philadelphia, differentiates between a seller and a gifter. He maintains that when a seller purchases merchandise from a non-Jew in order to sell it to another, he has no personal stake to whom he sells it, and it therefore is classified as a Kli Sechorah. On the other hand, when one purchases a utensil specifically to gift it to another, it is already considered his own personal property. Although he decided to give it away as a present,

it already was his first. Therefore, Rav Shmuel maintains, the gifter would be obligated to first Toivel the kli – with a brachah, before presenting it to his friend.[35]

Several other contemporary Poskim, including Rav Menashe Klein, Rav Dovid Feinstein, and Rav Shlomo Miller, are cited as ruling accordingly when the gifter places food inside the kli to gift along with it.[36] They explain that the fact that one placed food inside proves that it was already considered his own personal property, as well as L'Tzorech Seudah – all before giving it as a present. Hence, in this case, they mandate the gifter Toivel the utensil prior to gifting it. Several of these Poskim state so specifically regarding Mishloach Manos.

Pondering Practicality

With so many varied shittos in the Poskim, with some holding that the seller/gifter must do Tevillah first, and others maintaining that the giver may do Tevillah first, and others asserting that even if they did, it would accomplish nothing and the recipient would need to Toivel the containers again, what should our 'Sweet Shoppe' supplier of Mishloach Manos do? The potential solution of pre-using the containers (and then performing Tevillah) would probably not go over too well with the buyers.

Although this author has seen some raise the idea that if one lined the container and only placed the food item in a wrapping, in order that it should not directly touch the container, then it would exempt it from the Tevillah issue entirely, Rav Shlomo Zalman Auerbach (among others) strongly asserts to the contrary. He rules that this would not work in our case, as that exception exclusively applies when the utensil does not come into direct contact with food when fulfilling its primary use, not when serving as a simple lining that is anyway supported by the kli itself.[37] Hence, this idea may not be a proper solution on its own merit. If so, what is the preferred option?

Although there is no one-size-fits-all solution to our conundrum,[38] nonetheless, as mentioned previously, when faced with a complex issue regarding who would be required to do Tevillah, the Taz wrote a psak that has echoed through the generations, that the giver should make sure to notify the receiver that the kli has not yet been Toiveled and that Tevillah still needs to be performed.

With this precedent in mind, and as it seems that in our case the majority opinion is that Tevillah should be (if not mandated to be) performed by the recipient, this author recommends following Rav Nissim Karelitz and Rav Pesach Eliyahu Falk's sage advice that the Mishloach Manos seller/gifter notify the recipients (with a small note or otherwise) that as per the psak of many contemporary Gedolim the container is not yet-Toiveled,[39] and if the recipient would like to use it again, Tevillah would then be required. As noted previously, this would not affect the food's status either way.

Utilizing this method would mitigate potential mix-ups and misunderstandings, as well as foster the friendship highlighted by the Mitzvah of Mishloach Manos.

Sample of a Tevillah notification on a Mishloach Manos label

Written L'Refuah Sheleimah for R' Avrohom Yaakov Abbish ben Chana Rivka and Rav Yair Nissan ben Sarah and L'Ilu' Nishmas the Rosh Yeshiva Rav Nosson Nota ben Avraham Yitzchak (Schiller)

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For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

[1]See Tur and Rema (Y.D. 120:16). As an example, see Shu"t Pri Hasadeh (vol. 2:109; from Rav Eliezer Chaim Deutsch, Av Beis Din of Bonyhad, Hungary; d. 1916) who takes strong umbrage against those who would pour out a bought drink stored in such an as-yet un-Toiveled glass container, stating "ain shum makom l'chumrah zu, keivan d'mah shenishtamesh b'kli b'lo Tevillah aino ne'esar l'kuli alma, v'gam Tevillas zechuchis l'kuli alma aino rak Derabbanan, im kein ain shum makom lehachmir... v'zehu barur u'pashut."

[2]Bamidbar (Ch. 31: 21-23).

[3]Mishnah and Gemara Avodah Zarah (75b). The Yerushalmi (Avodah Zarah ad loc. Ch. 5:15) puts it succinctly "Tzarich Tevillah lefi shayatzu m'Tumas Aku"m v'nichnas L'Kedushas Yisrael."

[4]Rashi and Tosafos (ad loc.) refer to Tevillas Keilim as a Gezeiras Hakasuv, implying it is M'Deoraysa, as does the Sma"k (Mitzvah 99), Rashba (Toras Habayis, Bayis 4, Shaar 2 and Shu"t HaRashba vol. 3:255 and 259), Terumas Hadeshen (257), and Taz (Y.D. 120:16), whereas the Kol Bo (86), Tosafos Ri"d (Avodah Zarah ibid.), and Yeshuos Yaakov (O.C. 13:4 and 509:4 and Y.D. 120:2-4) state that "L'Rov HaPoskim" it is Derabbanan. The Rambam's opinion

(Hilchos Maachalos Assuros Ch. 17:5) is somewhat unclear, and later Poskim debate his kavvana with his assessment of ‘Mipi HaShamua,’ whether it means he held it is Deoraysa or Derabbanan. See Lechem Mishneh and Kessef Mishneh (ad loc.), as well as the Rashba’s Chiddushim to Avodah Zarah (ad loc.). See also Minchas Asher (Parshas Mattos 68:1; 95:1 in the new editions) and Shu”t Igros Moshe (Y.D. vol. 1, end 185 s.v. v’litvol).

[5]“Zuza D’sarbla” in the Gemara’s vernacular.

[6]Tosefos (Avodah Zarah ad loc. s.v. aval), Rosh (ad loc. 35), Hagahos Ha’Ashiri (ad loc.).

[7]Tur, Shulchan Aruch, and Rema (Y.D. 120:8). Although the Shulchan Aruch cites this as ‘Yeish Mi She’omer’ implying that this rule is debated, as pointed out by the Chochmas Adam (73: Binas Adam ad loc. 65 [84]), and Zivchei Tzedek (ad loc. 48), it actually is not, but rather is the halacha pesuka.

[8]Beis Yosef (ad loc. 8; citing his rebbi, the Mahari Beirav), Taz (ad loc. 10), Pri Chodosh (ad loc. 22), Ba’er Heitiv (ad loc. 11; and Mahari Tiktin, ad loc. 15), Erech Lechem L’Maharikash (ad loc.).

[9]Shach (ad loc. 16), Taz (ibid.), Issur V’Hetter (58: end 83 and end 89), and Pri Chodosh (ibid.).

[10]Pri Toar (ad loc. end 11), Aruch Hashulchan (ad loc. end 43), Zivchei Tzedek (ad loc. 50; concluding if one wants to Toivel it anyway, even though it is not necessary, ‘tavo alav brachah’), Kitzur Shulchan Aruch (37:5; see Misgeres Hashulchan ad loc. 3), Chochmas Adam (73:8 and Binas Adam ad loc. 65 [84]), Pischei Teshuva (ad loc. 9), and Ben Ish Chai (Year 2, Parashas Mattos 16). Rav Ovadiah Yosef (Shu”t Yabia Omer vol. 7, Y.D. 9:1) maintains that the halacha here follows the Pri Chodosh, especially as it is in line with the Shulchan Aruch, who does not seem to differentiate regarding a lending middleman.

[11]Shu”t Mekor Chaim (14 s.v. hinei).

[12]See Sefer Tevillas Keilim (Ch. 3:11 and Ch. 8:5 and 6), citing the aforementioned Gedolim. Rav Shlomo Zalman’s teshuva published at the end of the sefer (pg. 241:2) was republished in Shu”t Minchas Shlomo (vol. 2:66, 20). The Minchas Yitzchak later doubled down on his ruling in several subsequent teshuvos, as did Rav Wosner. See Shu”t Minchas Yitzchak (vol. 1:44, 1-2; vol. 7:43:2; and vol. 8:70, 1) and Kovetz M’Beis Levi (Kovetz B’Inyanei Yoreh Deah, from 5768; pg. 148-149:5; also noting that the re-Tevillah should be done without a brachah).

[13]Although this may seem somewhat extreme, it should be noted that none other than the Rema (Y.D. 120:9) in a certain case of a safek, where Tevillah was performed before the kli was obligated in it, ruled that it must be re-Toiveled (without a brachah). See also Chiddushei Chasam Sofer (ad loc. 7), who ruled accordingly in a similar case. So there is ample support for such an approach.

[14]See Halichos Chaim (vol. 2, pg. 116, footnote 199), Kuntress Kitzur Hilchos Tevillas Keilim (71), Mishnas Ish (vol. 1:14), Sefer Habayis B'Kashruso (Teshuvos HaGra"ch Kanievsky in the beginning of the sefer), and Rav Yaakov Skoczylas's recent Ohel Yaakov on Hilchos Tevillas Keilim V'Hagaalas Keilim (pg. 218-220). Following the Rema's precedent, re-Toivelings are performed without a brachah.

[15]Shu"t M'Tzion Teitzei Torah (381), Yerushalayim B'Moadeha (Purim, pg. 413), other Poskim are cited in Ohel Yaakov (ibid. and pg. 222).

[16]Kovetz HaMaor (Cheshvan 5715/1955 pg. 10).

[17]In their respective teshuvos, the Chelkas Yaakov and Tzitz Eliezer among others, cite snippets of different Rabbanim's rationales as presented in several issues of these august Torah Journals.

[18]Kovetz HaMaor (Kislev 5715/1955, pg. 5-6).

[19]Shu"t Pri Hasadeh (vol. 2:109), Shu"t Tuv Taam V'Daas (Mahadura Telisa'ei vol. 2:22).

[20]Shu"t Seridei Aish (new edition; Y.D. 29), Shu"t Maharil Diskin (Kuntress Acharon 5:136 s.v. v'da od), Shu"t Chelkas Yaakov (old edition, vol. 2:57; new edition Y.D. 42). The Misgeres Hashulchan on the Kitzur Shulchan Aruch (37:6) makes a similar point to the Maharil Diskin, as does the Darchei Teshuva (120: end 70).

[21]Shu"t Tzitz Eliezer (vol. 8:26, 2-4) and Shu"t Teshuvos V'Hanhagos (vol. 1:446). However, in his next teshuva Rav Sternbuch asserts that regarding metal utensils, it is preferable not to rely upon this, but rather empty the contents out upon opening. See footnote 25.

[22]Shu"t Igros Moshe (Y.D. vol. 2:40 and end 137 s.v. uvadavar). The She'arim Metzuyanin B'Halacha (37: end 8) writes similarly, adding that lechorah this was the Maharil Diskin's kavvana with his psak as well.

[23]Shu"t Minchas Shlomo (vol. 2:66, 10), Shu"t Ohr L'Tzion (vol. 5, Ch. 39:2).

[24]However, there are certain nuances that they would not agree upon. For example, the exact case that Rav Lazerovsky was originally discussing involved containers that the Jew would heat the food in and then eat out of – which the Seridei Aish and other Poskim permitted. Yet, in that specific case Rav Shlomo Zalman would be machmir, as he holds that heating the food in a kli would indeed be considered Shimush L'Tzorech Seudah. Although Rav Moshe does not discuss that specific case, in his teshuvos, referring to canned goods and coffee jars, he adds that since the 'kli nevatel l'hamashkin,' the upshot is that one may technically refill those containers for further storage purposes, without Toiveling them at all, an assessment which Rav Shlomo Zalman would not agree with. See Shemiras Shabbos Kehilchasah (Ch. 9, footnote 44) and

Maadanei Shlomo (on Dalet Chelkei Shulchan Aruch, pg. 247-249) who discuss several of these nuances and differences of opinion between these Gedolim.

[25]Another salient point that many Poskim make regarding this scenario is that the non-Jewish factory sealed the food inside the packaging and since it is not useable in its current format, it is not considered an actual kli. Hence, when the Jew first opens it and makes it useable, it is as if the Yid 'created' the kli, and hence it does not require Tevillah. Several authorities cite precedent to this from the Chazon Ish in Hilchos Shabbos (O.C. 51:11), as to his reasoning why one cannot open certain sealed packages on Shabbos, as doing so would be akin to 'creating a kli.' Others argue that Hilchos Shabbos and Tevillas Keilim are non-analogous. Either way, although deserving mention, as this point is not relevant to our discussion regarding glass dishes for Mishloach Manos, it is not cited in the main body of the article, but rather delegated to a footnote.

[26]Orchos Rabbeinu (new edition, vol. 4, pg. 54:2). However, he notes that the Chazon Ish was nonetheless machmir and when opening such cans, jars, and bottles, he would pour out the food or drink to a different kli, in order not to use a non-Toiveled kli. Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 1:447) maintains that regarding metal vessels (i.e. coffee tins) it is worthwhile to be machmir like the Chazon Ish.

[27]As noted in Ohel Yaakov (ibid. pg. 219-220; 120:271).

[28]Parashas Kedoshim (Vayikra Ch. 19:14).

[29]Shu"t Teshuvos V'Hanhagos (452 s.v. v'ha'eitzah). For an alternate viewpoint as to whether this is actually classified as true 'Lifnei Iver,' see Shu"t Minchas Shlomo (Kama vol. 1:35 and Tinyana 68:4).

[30]This psak of a kli falling into a Mikvah by itself being considered Toiveled is first cited by the Bach (Y.D. 120:11 s.v. hakoneh), citing Teshuvos Moreinu Harav Menachem (275) from Rav Menachem Me'il Tzedek, a late Rishon and talmid of the Mahari Weil and Terumas Hadeshen. Although it seems that this sefer is no longer extant, a collection of his psakim has recently been published titled Nimukei Rabbeinu Menachem M'Mirzburk (this one is published in O.C. 5 and Y.D. 19). Although the Bach argues on this psak, maintaining that Tevillah needs kavanna, and the Taz (17) implies that it may only work B'dieved, nonetheless, the Shach (ad loc. end 28; citing precedent from the Terumas Hadeshen, 257), Pri Chodosh (ad loc. end 40), Ba'er Heitiv (ad loc. 21; and Mahari Tiktin ad loc. end 29), Biur HaGr"a (ad loc. 37), Chochmas Adam (73:22) Chasam Sofer (Chiddushim ad loc. 15), and Zivchei Tzedek (ad loc. 85) all rule that this is indeed the halacha.

[31]Shu"t Mishnah Halachos (vol. 12, Y.D. 31), Shu"t Ohr L'Tzion (vol. 5, Ch. 39, 13 and 14).

[32]Minchas Asher al HaTorah (Parashas Mattos, 68: end 4; new edition 95: end 5), Shu"t Minchas Asher (vol. 3:55, end 4), Chut Shani (Tevillas Keilim pg. 46-47 and Purim pg. 208),

Halichos Olam (vol. 7, pg. 268; and not as Rav Ovadiah originally wrote in Shu"t Yabia Omer vol. 7, Y.D. 9, end 2, that it needs to be re-Toiveled by the buyer without a brachah), Yalkut Yosef (Kitzur Shulchan Aruch, Y.D. 120:17), Shu"t M'Tzion Teitzei Torah (381 and 383), and Ohel Yaakov (ibid.). Rav Nosson Gestetner (Shu"t Lehoros Nosson (vol. 9: end 28) cites precedent to this ruling from the Avnei Nezer (Shu"t vol. 3, Y.D. 107:2; citing the aforementioned Yerushalmi and Ritva, Avodah Zarah 75b), that in the specific case he was discussing, once it leaves the non-Jews's possession, even when there is no Chiyuv Tevillah, it does not need to be re-Toiveled, "v'lo yechasheiv Tevillah Rishonah k'Toivel v'sheretz b'yado." The Ohalei Yeshurun (vol. 1: 212, pg. 64) writes that Rav Moshe Feinstein would agree to this psak in a specific case where the buyers decided to purchase the utensils L'Tzorech Seudah – that at that point the seller can Toivel it for them, as it is now considered a Kli Seudah. Mv"R Rav Yaakov Blau (Shu"t Divrei Yaakov vol. 1:117, end 24 s.v. ubazeh) concurs, but only "b'makom sherov hakonim heim Yisrael." Others [see, for example Shu"t Chayei Halevi (vol. 4:57, 10) and Shu"t Kinyan Torah B'Halachah (vol. 2:131; adding that the seller removing its stickers to Toivel it proves that there was a Kinyan and the kli is now owned by the buyer] agree to this assessment, but only after the buyer already paid for the utensil and the transaction was completed.

[33]Shu"t Divrei Yaakov (vol. 1:117, 24). He also uses this chiluk to explain the Chasam Sofer's position, and as opposed to the Minchas Yitzchak's understanding of it.

[34]In Chut Shani (on Tevillas Keilim ibid.), Rav Karelitz adds that when dealing with a non-religious person, whom you know will not Toivel the utensil, this becomes the preferred option.

[35]Kovetz Halachos (Purim, Ch. 15:41), arguing on the Mekor Chaim.

[36]Shu"t Yad Dodi (Vol. 2, Y.D., Hechsher U'Tevillas Keilim 2), Shoshanas Yisrael (Hilchos Purim, Ch. 11:63-65), and Ohel Yaakov (ibid; citing Rav Menashe Klein). However, regarding the brachah on Tevillah, Rav Shlomo Miller (Shoshanas Yisrael ibid.) differentiates whether the food item actually needs the kli (i.e. applesauce), when a brachah would certainly be mandated in his opinion, as opposed to where it merely serves to store it (i.e. candies or cake), when he holds it should be Toiveled without a brachah.

[37]This rationale was opined by several recent sefarim, as cited in Ohel Yaakov (ibid.), ostensibly based on the Chochmas Adam (73:9), Aruch Hashulchan (Y.D. 120:32), and others who observe that only when a kli comes into direct contact with food, does it mandate Tevillah. Rav Shlomo Zalman's unequivocal psak was first printed as part of a teshuvah at the end of sefer Tevillas Keilim (pg. 241:2) and was republished in Shu"t Minchas Shlomo (vol. 2:66, 5). Rav Yosef Chaim Sonnenfeld ruled similarly in a brief teshuva (Shu"t Salmas Chaim, new edition, Y.D. 31) regarding a container holding wrapped tea bags, stating succinctly "ain levakesh hetteirim." Another idea this author has seen (cited in Ohel Yaakov ibid.) is to be mezakeh the ownership of the kli to another who wishes to send Mishloach Manos or a gift to the same person. In this manner it is now considered his first and he may now Toivel it prior to sending to the final recipient. However, in this author's estimation, Rav Yosef Chaim

Sonnenfeld's terse response of "ain levakesh hetteirim," would certainly hold true with this rationale as well.

[38]Indeed, when posed this question, Rav Chaim Kanievsky (Moadei HaGra"ch vol. 2:658) replied simply "ain rai," that it is not worth it to send Mishloach Manos in non-Toiveled containers, potentially due to the complications inherent in the question. On the other hand, as we know he held akin to his father (the Steipler Gaon) and father-in-law (Rav Elyashiv) that Tevillah is incumbent upon the recipient, Rav Chaim may have been referring to the issue of the recipient not realizing that the container still requires Tevillah, and possibly unwittingly re-using it. Hence, he likely may have meant that it is not worth doing so, certainly without properly notifying the recipient.

[39]Chut Shani (Purim ibid.). See also Ohel Yaakov (ibid. pg. 220) who cites a similar eitzah from Rav Pesach Eliyahu Falk.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.