כ. פרי שנמצא בשוק זמן מועט, ואחר תשעה באב ספק אם עוד ימצא בשוק, מותר לברך עליו שהחיינו. וטוב להניחו עד השבת [אם אפשר], שאז מותר לברך שהחיינו. [חזו"ע עמ' קלו]. וכתב בספר מזבח אדמה [דף ח ע"א] שהוא הדין אם יהיה נפסד טעמו של הפרי אחר תשעה באב, שיברך עליו שהחיינו בבין המצרים. [חזו"ע עמ' קלו בהערה]

כא. מי שטעה ובירך על פרי חדש ברכת הנהנין, ואחר כך [קודם שטעם] נזכר שהוא פרי חדש, ושהימים ימי בין המצרים, יברך שהחיינו ויאכל הפרי. דמכיון שהוא מחוייב לאכול שלא תהיה ברכתו לבטלה, יש לו לברך שהחיינו. [חזו"ע עמ' קלח בהערה. וע"ע יבי"א ח"ב חיו"ד סי' ה]

כב. מי שאכל וטעם מפרי חדש בבין המצרים, ושכח ולא בירך שהחיינו, או שחשב שאסור לברך עליו שהחיינו, לא יאכל עוד מאותו הפרי עד לאחר בין המצרים, ולאחר בין המצרים יאכל פרי אחר

them to eat a new fruit as well. The correct halakha is, however, that no one other than the father may eat the new fruit.[70]

New fruits with a short season

20) If a new fruit appears in the market during *ben hametzarim* and it has a very short season so that it is possible that it will no longer be available after Tish'a Be'Av, it is permissible to purchase it and recite the blessing of *shehe<u>h</u>eyanu* over it during *ben hametzarim* [and to eat it]. It is best to postpone this until Shabbat and then recite the blessing of *shehe<u>h</u>eyanu*, since it is permissible on Shabbat according to many *Poskim*. The *sefer Mizbah Adama* wrote that even if the fruits will be available after Tish'a Be'Av but they will no longer be as tasty as they are during *ben hametzarim*, it is permissible to recite the blessing of *shehe<u>h</u>eyanu* over them while they are in their prime.

Recited *bore peri ha'etz* over a new fruit during *ben hametzarim*

21) If someone, during *ben hametzarim*, recited the blessing of *bore peri ha'etz* over a new fruit and then he realized suddenly that it is improper to recite the blessing of *shehe<u>h</u>eyanu* at this time, he should go ahead and recite that blessing anyway and eat the fruit. Once he has recited the blessing of *bore peri ha'etz*, he no longer has the option of refraining from eating the fruit since then the blessing he recited would be in vain. Since he must eat the fruit, he should first recite the blessing of *shehe<u>h</u>eyanu*.

Ate a new fruit and forgot *shehe<u>h</u>eyanu*

22) If someone ate a new fruit during *ben hametzarim* without reciting the blessing of *shehe<u>h</u>eyanu*, either because he forgot to recite it or because he thought that during *ben hametzarim* the halakha is to eat new fruits without reciting that blessing, he may not

70. The *Sede <u>H</u>emed* (*Ben Hametzarim* 1:4), after citing the responsum of the *Tzapi<u>h</u>it Bidvash* (see previous footnote), added that once the father is reciting the blessing of *shehe<u>h</u>eyanu* over the mitzvah and the fruit, he may have in mind that he is reciting it on behalf of other people as well, and they may have in mind that his blessing should cover the new fruit on their behalf, and then they may all partake of it. Maran the Rishon Letziyon (*<u>H</u>azon Ovadya*, page 135), however, cited several *A<u>h</u>aronim* who disagreed with this ruling, stating that only the father has the right to utilize the blessing of *shehe<u>h</u>eyanu* for a new fruit, but not anyone else. If someone else would have in mind to use the father's blessing as his own, it would be as if he had recited the blessing of *shehe<u>h</u>eyanu* himself during *ben hametzarim*. This is the ruling of the author of responsa *Sho'el Venishal*, and the ruling of responsa *Yashiv Moshe* Shatrug (Vol. II, #126), responsa *Ohev Mishpat* (Vol. I, page 65a), responsa *Sho'el Umeshiv* Mazuz (*O.<u>H</u>.* #37)

חדש, ויברך עליו, ויכוין לפטור גם את אותו הפרי. [שיירי כנה״ג סי׳ רכה הגב״י אות ד. שו״ת כנסת הגדולה סי׳ לד-לה. בית דוד סי׳ שכה. ברכ״י סימן תקנא אות יד, ואחרונים. וראה בקול סיני עמ׳ קלה]

כג. אשה מעוברת שראתה בימי בין המצרים פרי חדש והתאותה לו, רשאית לברך עליו שהחיינו ולאוכלו. [חזו״ע עמ׳ קלח]

כד. מותר לחולה לברך שהחיינו בימי בין המצרים על פרי חדש, ואפילו בחול, מפני שהפירות פותחים תאוותו לאכילת דברים טובים לבריאותו, ובמקום חולי לא גזרו רבנן. [נגיד ומצוה עמ׳ קמג, כה״ח ס״ק ריג. חזו״ע עמ׳ קלט בהערה]

כה. יש שכתבו שאם הקטן שהגיע לחינוך אינו יכול להבחין בין ימים אלו לשאר ימות השנה, והתאוה לפרי חדש, שמותר לתת לו ויברך עליו שהחיינו, כדי שלא יטעה להמנע מברכת שהחיינו בשאר הימים. [ברכי יוסף סקי״ט, חמדת ימים דף פג סע״ב]. ולהלכה נראה שכל שהוא עדיין קטן רשאי לכתחלה לברך שהחיינו על פרי חדש, מבלי לחלק בין יודע להבחין או לא. [חזו״ע עמ׳ קלז]

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eat that type of fruit again until after the period of *ben hametzarim* is over. Then, he should seek out another species of new fruit and recite the blessing of *shehe<u>h</u>eyanu* over it having in mind for the blessing to cover the first fruit he had eaten as well.[71]

Pregnant woman who craves a new fruit

23) If a pregnant woman sees a new fruit during *ben hametzarim* and has a craving for it, she may recite the blessing of *shehe<u>h</u>eyanu* and eat it.

Someone who is ill

24) Someone who is ill may recite the blessing of *shehe<u>h</u>eyanu* and eat a new fruit during *ben hametzarim* even during the weekdays. Eating fruits stimulates one's appetite, and then there is a greater chance of the patient eating healthful foods that will enable him to recover. Our Sages did not institute this restriction in a case of illness.

Giving a small child a new fruit during this period

25) Some *Poskim* ruled that if a small child who does not have the maturity to understand the concept of mourning over the destruction of the *Bet Hamikdash* wishes to eat a new fruit during *ben hametzarim*, it is permissible to give him the fruit and to instruct him to recite the blessing of *shehe<u>h</u>eyanu*. In this way, he will not get the impression that one may eat a new fruit without reciting the blessing of *shehe<u>h</u>eyanu*. According to this opinion, it is forbidden to permit an older child to eat the new fruit during this period. In practice, however, the halakha is that any child under the age of bar mitzvah may recite the blessing of *shehe<u>h</u>eyanu* over a new fruit during *ben hametzarim*, regardless of the level of his maturity.[72]

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and responsa *Pele Yo'etz* (#28). In practice, we should follow this stringent opinion.

71. This halakha was composed by Rabbi Yisrael Bitan. It is based on the *Sheyare Kenesset Hagedola* (*Siman* 225, glosses on *Bet Yosef* #4) and the debate between Harav Yaakov Ben-Na'im and the author of *Kenesset Hagedola* as recorded in responsa *Kenesset Hagedola* (#34-35).

72. This leniency is the conclusion of Maran the Rishon Letziyon (*<u>H</u>azon Ovadya*, footnote on page 137), based on the opinion of Rashba, Rabbenu Nissim and Rabbenu

כו. הרואה את חבירו החביב עליו בימי בין המצרים, ועברו שלשים יום ויותר שלא ראהו, מברך שהחיינו, מאחר שאי אפשר לדחות הברכה לאחר כך [שו"ת מטה לוי סי' ג. הרב יעב"ץ בסידורו ח"ב עמוד רפ. מועד לכל חי סי' ט אות כד]. **ואף שיש חולקים** [שו"ת בית ישראל לנדא סי' לג. דעת תורה סי"ז בשם הדעת קדושים], **מכל מקום יותר נראה דנידון זה דמי לפרי חדש שלא ימצא אחר ט' באב, שמותר לברך עליו שהחיינו בבין המצרים, הילכך המברך על חבירו שהחיינו בבין המצרים יש לו על מה שיסמוך.** [חזו"ע עמ' קמ בהערה]

כז. בימי בין המצרים, ובתעניות צבור אין חשש מלברך ברכת הגומל למי שנתחייב בה. [וראה לקמן סימן תקנ"ט הלכה ל"ג שאפילו ביום תשעה באב רשאי לברך ברכת הגומל וכמו שפסק בחזון עובדיה עמ' שפט]

Meeting a dear friend after a 30-day absence

26) If more than thirty days have passed since the last time that someone has seen a very dear friend, and they meet during the period of *ben hametzarim*, they may recite the blessing of *shehe<u>h</u>eyanu* upon meeting since it is not possible to postpone the blessing until another time. This is similar to the case mentioned above in halakha 20, that one may recite the blessing of *shehe<u>h</u>eyanu* over a fruit that will no longer be available after Tish'a Be'Av. Although there are *Poskim* who disagreed with this, friends who recite this blessing upon meeting are certainly acting correctly.

Reciting the blessing of *hagomel*

27) Someone who has become obligated to recite the blessing of *hagomel*[73] may recite it during *ben hametzarim* or on any of the fast days. See below, *Siman* 559:33, where it is explained that this is the halakha even on Tish'a Be'Av.

Yeshaya Harishon who ruled that one may deliberately feed children foods that are forbidden to adults by our Sages. (See responsa *Yabia Omer* Vol. IV, *O.<u>H</u>.* #12:15.) Although the halakha is according to the more stringent opinion of Rambam that it is forbidden to feed children any food that our Sages ruled as forbidden to adults, as the *Shul<u>h</u>an Arukh* ruled (*O.<u>H</u>. Siman* 343), that applies to foods that are forbidden by the halakha whereas the restriction against eating new fruits is only a stringency at most and some *Poskim* (*Ture Zahav* and Harav Eliyahu of Vilna) ruled that it is entirely permitted, as has been explained in this volume numerous times. Therefore, the stringency need not be imposed upon the children. The responsa *Shem Arye* (*E.H.* #95) ruled explicitly that even according to the Rambam and the *Shul<u>h</u>an Arukh* who ruled that it is forbidden to serve children foods that are forbidden by our Sages, it is permissible to serve them foods that adults refrain from as a matter of stringency. Other *A<u>h</u>aronim* concurred with this.

In this case, there is an even stronger case to permit it, since the fruits themselves are perfectly kosher by any standard and we refrain from them because of the calendar only. The *sefer Torat Rabbenu Shemuel Salant* (page 136) testifies that Rav Salant once ruled that a child may recite the blessing of *shehe<u>h</u>eyanu* on a new fruit [during *ben hametzarim*] since otherwise the child would have come to harm. Maran pointed out, however, that according to the halakha it is permissible whether or not the child has any need for the fruit, as explained here. In fact, Maran ruled (*<u>H</u>azon Ovadya*, page 190) that it is permissible to feed meat to children during the nine days even if they understand the concept of mourning over the destruction of the *Bet Hamikdash*.

73. This halakha was composed by Rabbi Yisrael Bitan.

Regarding reciting this blessing on Tish'a Be'Av, the *Kaf Ha<u>h</u>ayim* Sofer (559:38) ruled that it is improper to recite it in the morning of Tish'a Be'Av and that one should wait until the congregation prays *minha* to recite it, since during *minha* we begin to recite the verses of consolation. The *Or Letziyon* (Vol. III, page 237) explained that on all other fast days and during *ben hametzarim*, however, all *Poskim* agree that it is permitted. Maran the Rishon Letziyon (*<u>H</u>azon Ovadya*, page 389) ruled that it is permissible at all times, even on the morning of Tish'a Be'Av, as explained below in *Siman* 559:33. **(Rabbi Y.B.)**