

❧ chapter seventeen ❧

## Opening Bottles and Food Packages on *Shabbos*

**T**he discussion concerning opening bottles and food packages on *Shabbos*, is a topic that may be relevant many times during *Shabbos*. It is very important for one to be well versed in these issues, because each container, package, or bottle, must be dealt with on an individual basis. There may only be a slight difference between two cases, which may not be noticed by an average person, but can change the *halacha* considerably. In certain situations there are dissenting opinions where one opinion may maintain that it involves an *issur Deoraisah*, while the other may maintain that it is entirely permissible.

At the onset of this discussion, it is most noteworthy to stress that one should consult a competent *Rov* who is well versed in these matters, for a final ruling on any matter discussed in this chapter. One is *halachically* not permitted to choose and adopt any ruling simply because it may be more beneficial for him. As mentioned above, many of the matters discussed in this chapter, deal with *issurim Deoraisah*.

There may be some individuals who are under the false impression that on *Shabbos* one is permitted to break or rip open any item, in any manner that one pleases, if it is needed for food for one's *Shabbos* meal. This is incorrect. One is not permitted to violate

any *melacha* on *Shabbos* even if it is needed for food. Only with regard to *Yom Tov* do we find such a concept that for food one is permitted to do a *melacha*, and even there, the *heter* is not absolute. On *Shabbos*, however, this is not the case.

### The Three Torah Prohibitions Involved

There are basically three *Torah* prohibitions that have to be dealt with regard to many of the items discussed in this chapter. The three prohibitions are סותר - demolishing, קרוע - tearing, and מכה בפטיש - completing a utensil.

### Demolishing a Barrel

The *Mishnah* in *Meseches Shabbos* states that it is permitted to break open a barrel on *Shabbos* in order to eat dried figs from it. However, this is only where one does not intend to create a vessel. If one were to fashion a proper opening in a utensil, it would be considered as if he created a finishing touch to the utensil, which is prohibited under the *Torah* prohibition of מכה בפטיש.<sup>1</sup>

There are several reasons offered by different *Rishonim* as to why it is permitted to

1. ע"י משנה במס' שבת דף קמ"ז. ועיי' רש"י שם.

break open a barrel if one has no intentions of making a vessel, even though such an act would apparently constitute סותר – demolishing. The different opinions to explain this *Mishnah* will have *halachic* ramifications as to which items one would be permitted to open on *Shabbos*, and under what circumstances.

Some *Rishonim* explain this by applying a principle mentioned earlier in *Meseches Shabbos* which states that אין בנין וסתירה בכלים, which means that there is no prohibition to build or break utensils on *Shabbos*. It is beyond the scope of this publication to delve into the intricacies that are associated with this principle. However, some *Rishonim* use this principle to explain why it is permitted to break open a barrel on *Shabbos* when it is needed for *Shabbos* use.<sup>2</sup>

*Tosofos*, however, is bothered by the application of this principle. He questions that if this is indeed an absolute principle, it does not seem to coincide with a *Mishnah* in *Eruvin*. The *Mishnah* in *Eruvin* discusses the laws of *eruvei techumin*, and the *Mishnah* states that if the bread used to establish the *eruv* was locked up in a closet and the key was lost, the *eruv* is still valid. The *Gemara* questions this ruling and asks how the *eruv* could be valid, if access to the bread is not possible in a permissible manner. The *Gemara* answers that the *Mishnah* is referring to an instance where the bricks used to construct the closet were not cemented together and one can easily separate the bricks and enter the closet. *Tosofos* wonders what the *Gemara* was initially bothered by. If the above principle of אין בנין וסתירה בכלים is an absolute principle, it should be permitted to break open the closet on *Shabbos* in order to gain access to the bread. *Tosofos* therefore maintains and cites proof to his opinion, that the only instance in which this ruling can be applied is regarding a מוסתקי – a utensil that has been built by pasting together many

shards of broken utensils. Such a flimsy utensil will not be used for a significant amount of time. However, one is forbidden to break open a completely strong utensil on *Shabbos*. *Tosofos* explains that the *Mishnah* in *Eruvin* was referring to a completely strong utensil, while the *Mishnah* in *Shabbos* that permits breaking open a bottle on *Shabbos* was referring to a more flimsy type of utensil. *Tosofos* states further that by a complete utensil, if one were permitted to break it open, there is a chance that one might fashion a proper opening, which is definitely forbidden. Consequently, the *Rabonon* forbade even breaking open a complete utensil. However, regarding a utensil that is more flimsy, there is no suspicion that a person will fashion a proper opening, and therefore, there is not even an *issur Miderabonon* to open it.<sup>3</sup>

There are other *Rishonim* who answer the above inconsistency in a different manner, and rule that one is permitted to demolish all small utensils on *Shabbos* if there is a need for them.<sup>4</sup>

The *Shulchan Aruch* rules in accordance with the opinion of *Tosofos*, and only permits breaking open a flimsy utensil on *Shabbos*. The *Vilna Gaon*, however, rules in accordance with the more lenient opinion and permits breaking open a small utensil if one needs its contents on *Shabbos*. Many *poskim*, however, advise that one should follow the ruling of the *Shulchan Aruch* and refrain from breaking any complete utensil. Nevertheless, they do add that one should not protest against those who are lenient in this regard.<sup>5</sup>

### **Breaking Open Food Containers on Shabbos**

Many of our food containers are classified as complete utensils since they are

<sup>3</sup> עי' תוס' שם ובעירובין דף לז. ועי' רא"ש שם.

<sup>4</sup> עי' ר"ן שם, ועי' ערוה"ש סי' שיד שהאריך בענין זה, ואג"מ הנ"ל.

<sup>5</sup> עי' שרע"י סי' שיד סעי' א, ועי' ביאור הגר"א שם, ועי' מ"ב שם שג"כ הביא שיטת הגר"א, ועי' ערוה"ש שם סעי' ח, ועי' קרבן נתנאל מס' שבת פרק כ"ב סק"ה שלימד זכות לשבור חבית, ועי' אג"מ הנ"ל, ועי' חזו"א בסי' נ"א.

<sup>2</sup> עי' רשב"א שם, ועי' אג"מ א"ח ח"א סי' קכ"ב שהאריך בענין שיטות הראשונים.

strong and reusable. However, some containers are made quite flimsily, and although one may be able to reuse it several times, nevertheless, after a few times they are no longer usable and must be thrown out. Rav Moshe Feinstein *zt"l* and some other *poskim* write that packages that are made out of paper often fit the category of a flimsy utensil, and one is technically permitted to break them open on *Shabbos*. However, with regard to cans that are made of metal and are strong and are reused, one should follow the stringent ruling of the *Shulchan Aruch* and refrain from breaking them open.<sup>6</sup>

Although the entire preceding discussion is very important, it is mostly academic in nature. This is because even if one were to rely on the lenient opinions that permit breaking open a complete utensil, nonetheless, in most instances a person does not smash open a utensil when he is interested in removing food from it, but fashions an opening instead. Furthermore, creating a small hole in a utensil is not considered breaking the utensil and one is not liable for *סותר*. In most instances, the issue that has to be dealt with is the prohibition of *מכה בפטיש*.<sup>7</sup>

### Constructing a Utensil

Prior to discussing the prohibition of *מכה בפטיש*, it is noteworthy to mention the opinion of the *Chazon Ish*, as it pertains to many metal cans that are sealed airtight. The *Chazon Ish* forbids opening certain cans on *Shabbos*. However, the *Chazon Ish* does not prohibit it because one is demolishing the item which violates the prohibition of *סותר*, as was understood until now. He prohibits it because of *בונה*; the prohibition forbidding one to construct a new utensil on *Shabbos*. The *Chazon Ish* writes that to break it open is permitted since the item that one is breaking is not considered a utensil. Although it was

once a utensil, nevertheless, since it was closed in a manner that forms it into one piece of metal and one cannot put anything into it or remove anything from it, it is not considered a utensil at the present moment. Instead, it is considered a closed object that has a hollowed form. However, he maintains that it follows, that since the item was not considered a utensil while it was closed in such a manner, one who opens it in a manner that does not destroy the object is held liable for *בונה*. This is because he has just created a utensil.<sup>8</sup>

Other *poskim*, however, disagree with the *Chazon Ish's* premise and maintain that even while it is completely closed, it is nevertheless considered a utensil, albeit a closed one. Therefore, one who breaks it is held liable for the prohibition of *סותר* according to the *Shulchan Aruch's* ruling, and opening it does not constitute *בונה*, although it may constitute *מכה בפטיש* which will be discussed in the next paragraph.<sup>9</sup>

The entire preceding discussion only serves as an illustration of the application of *בונה* as it pertains to opening cans on *Shabbos*. However, we will *בעז"ה* discuss the issue of opening up cans on *Shabbos* on a more practical level and in greater detail below.

### The Prohibition of Fashioning an Opening for a Utensil

There is a *Torah* prohibition involved with creating a proper opening for a utensil. By fashioning a proper opening, one is performing a finishing touch to the utensil that will aid in its use in the future. The *Gemara* forbids one to even puncture a regular hole to be used as an opening, even if it is not carved out with precision but is made in a rough and jagged manner. This is forbidden in order to

8. עי' חזו"א בארו"ח סי' נ"א ס"ק י"א, ועי' שו"ת חלקת יעקב או"ח סי' קכ"א בענין שיטת החזו"א, ועי' שו"ת מנחת שלמה ח"ב סי' י"ב ס"ק ב' שהאריך בענין איזה כלים איירי החזו"א.

9. עי' מנחת שבת סי' פ' ס"ק קס"ד, ועי' תהלה לדוד סי' שיד" ס"ק י"ב ועי' שש"כ פרק ט' הערה י'.

6. עי' אג"מ הנ"ל ג' וד' וי' שם.

7. עי' מ"ב שם סק"ח שמשמע שעשיית נקב אינו נחשב סותר אם אינו סותר את הכלי.

prevent one from making a proper opening. Furthermore, even if there was once a hole there, nevertheless, if it has since been closed up very securely so that none of the contents can seep out, it is forbidden to reopen such a hole on *Shabbos*.<sup>10</sup>

According to many *poskim*, the prohibition of creating even a jagged hole that will be used for an opening, applies even to a flimsy utensil. This is despite the fact that as far as the prohibition of *סותר* is concerned, there is no prohibition to break open a flimsy utensil. It is forbidden, however, to make a hole that will be used as an opening.<sup>11</sup>

### The Idea of Breaking and Ripping Wrappers Surrounding Food or other Items

The *Gemara* in *Meseches Shabbos* discusses a type of cask that is referred to as a *חוטל*. A *חוטל* is a barrel that is made out of palm leaves in which figs are placed to dry. The leaves absorb the moisture contained within the figs, and the *חוטל* was made exclusively for this purpose. Once the figs are dry, the barrel is ripped open, and the figs are removed while the barrel is discarded. The *Gemara* permits ripping apart such a barrel on *Shabbos*. The *Shulchan Aruch* when quoting this *halacha*, explains that it is permitted to do so just as one is permitted to crack nuts on *Shabbos* and remove the nuts from the shells. Here too, the barrel is nothing more than a shell for these figs.<sup>12</sup> Some *Acharonim* further explain that a normal barrel is created so that it can be used as a receptacle to accommodate any item that is placed inside of it. However, these *חוטלות* are made exclusively for these figs, and once these figs are removed the barrel is discarded. Therefore, the barrel is not classified as a

utensil, but as wrapper or shell which one is permitted to open on *Shabbos*.<sup>13</sup>

Rav Moshe Feinstein *zt"l* substantially limits the application of *חוטל* to a select few types of objects. He maintains that even if an item is merely made to function as a wrapper and is intended to be discarded immediately after its contents are removed (such as canned foods), still, it may not necessarily be considered a *חוטל*. As long as it is an important utensil that has the ability to store other items placed inside of it, and some people use it as such, it is not considered a *חוטל*. Therefore, one who opens it is considered to have created a utensil and is liable for *מכה בפטיש*.<sup>14</sup> (See the practical applications below for common applications).

This concept of *חוטלות* extends far beyond *hilchos Shabbos*, and the fact that it is not classified as a utensil has ramifications in many areas in *halacha*. To cite two examples:

The *Steipler Gaon* was once asked whether it is permissible to use wooden car crates (which are used to ship cars overseas so that they don't get scratched or damaged) for one's *schach*. The *halacha* is that one is not permitted to use an item that is susceptible to *tumah* for *schach*. The *Gemara* states that even after a utensil is broken up into small pieces and is no longer susceptible to *tumah*, one may still not use it for *schach*. Once the utensil became susceptible to *tumah*, the pieces retain the same status. Thus, these car crates should seemingly be invalid to be used for *schach* even after they are broken up into small pieces. However, the *Steipler* applies the concept of *חוטלות* to this situation. He says that these car crates are only made to serve as protection for the car that is placed inside of it, and once that car is removed, the crate is dismantled and discarded. The *Steipler* quotes the *Chazon Ish* who also permits the use of these car crates for *schach* being that

10. ע"י מס' שבת שם, ושו"ע ומ"ב שם.

11. ע"י ביאור הגר"א והגהת רע"א שם.

12. ע"י מס' שבת שם, וע"י שו"ע שם סעי' ח', וע"י מג"א שם.

13. ע"י פמ"ג שם, וע"י אג"מ הנ"ל ענף ט'.

14. ע"י אג"מ שם בענף ט', וע"י אג"מ יו"ד ח"ב סי' מ'.

they were never classified as utensils and are therefore not susceptible to *tumah*.<sup>15</sup>

Rav Moshe Feinstein ז"ל discusses another case where this concept would apply. A person who purchases a bottled drink, might wish to refill the bottle after finishing its contents and use it for other things. Ordinarily, one might suppose that he would be required to *tovel* the utensil prior to using it since it was purchased or manufactured by an *עברום*. Rav Moshe asks, what if a person intends to purchase only the liquid contained in the bottle and offers to return the bottle to the storekeeper would the storekeeper deduct even one cent from the sale? Of course he wouldn't, because the storekeeper is not selling the bottle to be used as a utensil, but as a wrapping for the liquid that it contains. Thus, we see that one did not purchase a *utensil* that was in the possession of an *עברום*. The first time that it was considered to be a utensil was when the *Yid* decided to reuse it. It is therefore considered as if the *Yid* created the utensil, and does not require *tevilah*.<sup>16</sup>

### Turning a חותל Into a Usable Utensil

It was explained above that a חותל is not considered a utensil, but a wrapper for the item placed inside it. What would the *halacha* be if a person would take this wrapper and convert it into a functional and important utensil? For example, where a person cracked off a piece of tin from the tray that a *challah* is kept on and used this piece as a knife with which to cut the piece of bread, everyone would agree that he is liable for *מכה בפטיש* since he converted the wrapper into a very useful utensil.<sup>17</sup>

This principle applies to the case of a soda cap. In the past many devices were invented to preserve, for an extended period of time after the soda bottle has been opened, the carbonation (i.e. the fizz) that is contained

in the soda. None of them were able to achieve this purpose perfectly, until the invention of the soda caps used today. Thus the function of the cap extends far beyond the function of a mere wrapper. If one would just have a wrapper sealing the bottle, it would not be functional once it is opened, and one would surely purchase a soda cap from a store to enable him to preserve the soda. The cap has a very important role as a utensil and cannot be considered a wrapper. Thus, if the cap was not a fully functional utensil prior to being placed on the bottle, one who converts it into this form is liable for *מכה בפטיש*. (See below for practical applications of the different types of caps that currently exist).<sup>18</sup>

The *Chazon Ish* writes that if one were to use a חותל for an extended period of time to store the item that was placed inside of it, and he does not empty out the item, he is liable for *מכה בפטיש*. This is because one has changed its function from merely being a wrapper, into a receptacle that will be used to store items, albeit the very item that was placed inside it originally. A shell merely keeps the food intact until it is opened. Once it is opened, it is discarded and not used as a receptacle for that item. Other *poskim* disagree with the *Chazon Ish* and maintain that it is not considered changing the functionality of a utensil by retaining the food within it for the normal period of time needed to finish its contents. Only using this utensil to store other items would be a problem.<sup>19</sup>

### Tearing an Item on Shabbos

Tearing material on *Shabbos* is a violation of one of the 39 primary *melachos* forbidden on *Shabbos*. This *melacha* is called *קורע*. For example, one who tears material in order to produce a straight surface so that he can now sew on an attachment transgresses this *melacha*. However, one who does not rip an item for a constructive purpose rather it is

15. עי קה"י עמ"ס סי' י"ט.

16. עי אג"מ יו"ד ח"ב סי' מ', וע"ע שם בסי' קל"ז.

17. עי מס' ביצה דף לג, ועי שו"ע סי' שכ"ב סעי' ד'.

18. כך שמעתי מהגרי"י בעלסקי שליט"א, וכן משמע מכל הפוסקים שאסר לפתוחו כמו שמובא לקמן ולא הזכיר היתר של חותל.

19. עי חזו"א שם ולכא"ו זהו טעמו.

done destructively is not liable for this *melacha* on a Torah level but it is nevertheless forbidden *miderabanan*.<sup>20</sup>

*Chazal* permit one to rip apart a חותל on *Shabbos*. The action of tearing need not be destructive at all.<sup>21</sup>

Some *poskim* permit items that do not classify as a חותל to be torn open in a manner that renders the utensil unfit for use if it is done for a genuine *Shabbos* need.<sup>22</sup> However, in such an instance, where there is no other way to open the item without tearing it, it should preferably be opened before *Shabbos*, and one should not rely on tearing it open destructively on *Shabbos*.<sup>23</sup>

### Erasing Letters

It is imperative to be very careful not to rip or destroy any letters in the process of opening the package.<sup>24</sup>

### A Permissible Method to Open Many Items that are Forbidden to be Opened in the Regular Manner

One who did not open a can or package before *Shabbos* and needs the contents contained inside of it, may open it on *Shabbos* after the utensil has been destroyed by making it not useable. Care must be taken to destroy the can in a manner that does not create a functional utensil during any point of the process. For example, if one would pierce a small hole into the bottom of it, he does not violate *מכה בפטיש* by opening up the container on its other side. Since he first pierced a small hole into the bottom of the can that cannot be used as a functional opening, therefore, when he opens it at the top afterwards, he would be opening it and destroying it at the same

time.<sup>25</sup> A screwdriver or hammer is permitted to be used for this purpose if no other instrument will serve this function.<sup>26</sup>

### Practical Applications

Many *poskim* stress the vital importance of opening all containers and packages before *Shabbos*. This is because the *halachos* are very complex, and there are several dissenting opinions regarding these issues. In addition, these *shailos* often involve *issurei Deoraisah*. Therefore, the most commendable practice in order to avoid any problems is to prepare all items before *Shabbos*.<sup>27</sup>

Please read the entire chapter in order to understand the practical applications completely and avoid making any errors.<sup>28</sup>

### Cans Containing Fish (e.g. Tuna, Sardines) and Soda Cans

Rav Moshe Feinstein *zt"l* writes that even a can that is no more than a חותל should not be opened on *Shabbos*. He felt that since the issue is so complex, only a major *talmid chacham* would be capable of differentiating between one situation and the next, and no cans at all should be opened on *Shabbos*.

This opinion spread throughout the community and has since become the accepted practice in all circles of *Yidden*. Up until about a half a century ago, many *Yidden* opened cans on *Shabbos* relying upon the opinion of the *poskim* who treated them as חותלות. Since the time that Rav Moshe's *teshuvah* was published, the widespread custom among *erliche Yidden* was to heed

25. עי' שו"ת מנח"י ח"ד סי' פ"ב, ועי' שש"כ שם, ועי' הל' שבת השייכות לבית שהביא שכן נהג הגר"מ פיינשטיין זצ"ל. ועי' אורחות רבינו אופן השבירה, וכן שמעתיה מהגר"מ בעלסקי שליט"א בשם הגר"א העניק זצ"ל.

26. עי' שו"ע בסי' ש"ח דכלי שמלאכתו לאיסור מותר לטלטלו לצורך גופו ולצורך מקומו.

27. עי' אג"מ שם ענף י', ועי' שם סי' צ"ד בסופו. ועי' שש"כ פרק ט"ו, ועי' מש"כ בברית עולם בערך בונה ס"ק כ"ט, וכן כתב כמה פוסקים בשו"ת שונות.

28. כמה דברים שמוכח לקמן שלא ציינתי מראה מקום הוא משום שהם דברים פשוטים ע"פ מה שכבר הראינו בפנים ע"כ, וכבר הביא כמה מראה מקומות ליסודות אלו.

20. עי' שו"ע סי' ש"מ ומ"ב ובה"ל שם שהאריך בענין גדרים אלו.  
21. עי' אג"מ שם ענף ז' וענף ח', וכן משמע מכמה ציורים שמוכח בשש"כ. ועי' בשביתת השבת מעשה חושב דף י"ב ד"ה ולישב, בפשט של התוספתא שהתיר לקרוע עור מע"פ חבית.  
22. עי' אג"מ הנ"ל, וי' שש"כ פרק ט', ועי' חו"א סי' ס"א ס"ב.  
23. ע"פ מה שכתב בה"ל ריש סי' שי"ד בענין שיטת רש"י.  
24. עי' שש"כ פרק ט'.

Rav Moshe's words and refrain from opening up any cans on *Shabbos*. At least in America, this prohibition has achieved the status of a *gezeirah* that has been accepted by *rov Yisroel* - most *Yidden*.<sup>29</sup>

There is something that can be done, though, for one who did not open up a can before *Shabbos* and really needs the food. He should not open up the can in its regular manner, but should open the lid only half way and then empty out the contents. This does not allow it to be used as a utensil.<sup>30</sup> As mentioned above, if one destroys the object by piercing a small hole into the bottom, one can then open the utensil at the top. By doing so, one is in effect opening it and destroying it simultaneously.

### **Snack Bags (e.g. Potato Chip Bags), Sugar Bags, Freeze Pops**

Bags that are made of 'flimsy' materials and are discarded immediately may be torn open even non-destructively, because they are considered חותלות. However, firm bags in which the food is normally kept for an extended period of time should not be torn. If one is able to pull apart the sealed top as is common in most vacuum packed potato chip bags, one is permitted to do so provided one does not tear the bag at all.<sup>31</sup> If this is not possible, some *poskim* permit one to tear the bag in a destructive manner while paying attention not to tear any letters.

### **Boxes Containing Cereal or Matzah**

One should try to open these items by sticking something underneath the top of the box and then attempting to open it without tearing the box. If this is not possible and one

did not open it before *Shabbos*, it may be permitted to tear open the box in a manner that renders it unfit for future use (i.e. without ripping any letters). However, it is very difficult to rip it open in a manner that does not create a functional utensil during any point of the process. Therefore, one should be extremely cautious, and have these boxes opened before *Shabbos*.<sup>32</sup> There is no problem in ripping the plastic surrounding a *matzah* box. Similarly one is permitted to rip open the cereal bag.

### **Box Drinks and Pringle Boxes**

Many *poskim* permit one to open these items on *Shabbos*, since the aluminum foil that closes the top of the container is not considered part of the bottle. Thus, one is not creating a utensil, but is making an opening that was temporarily closed with an independent seal.<sup>33</sup> Furthermore, there are grounds to permit opening box drinks on the account that the container may be considered a חותל.<sup>34</sup>

### **Air Pressurized Sealed Caps**

Many grape juice and Snapple bottles have caps that are fully functional prior to being placed on the bottle and one does not change the form of the cap upon removing it. These caps are tightly closed only due to air pressure. One is permitted to open these caps on *Shabbos*. On *Shabbos*, one is also permitted to rip the plastic wrappers that surround these caps. Care should be taken not to rip any letters.

<sup>32</sup>. כך שמעתי מהגר"י בעלסקי שליט"א.

<sup>33</sup>. כך שמעתי מהגאון ר' ראובן פיינשטיין שליט"א, ועי' שו"ת מנחת שלמה ח"ב שג"כ, וכן שמעתי מהגר"י בעלסקי שליט"א, אכן שמעתי מהגר"ד פיינשטיין שליט"א שאסור.

<sup>34</sup>. הגר"ד פיינשטיין שליט"א אמר לי בענין לפתוח פרינגעלס בשבת שרק מותר אם הוציא כל האוכל מתוכו מיד. אכן משער פוסקים שהביא בהערה 33 גם זה מותר ע"פ הטעם שנתנו בפנים.

<sup>29</sup>. עי' שו"ת מנחת שלמה ח"ב סי' י"א, ושו"ת חלקת יעקב ח"א סי' קכ"א, שהתיר בפירוש מטעם חותלות, וכן משמע מקה"י הנ"ל ומשאר פוסקים שתלויו ברוב העולם ואם כן לכאורה יהא מותר בנידן דידן. ואולי כלי קטן שאינו חשוב נחשב חותל אף להאג"מ, מי"מ עי' מש"כ שם בענף י', ושמעתי מהגר"י בעלסקי שליט"א שמזמן שתשובתו נדפס רובה דרובה אינם פותחים כלים כאלו בשבת.

<sup>30</sup>. עי' שו"ת חלקת יעקב שם, ובש"כ שם.

<sup>31</sup>. עי' ש"כ שם הערה י"ט.

## Removing Bottle Caps on *Shabbos*

There are basically four types of soda caps that have to be discussed; three metal types and one plastic type.

One type of metal cap is a fully functional metal cap prior to being placed on the bottle, but is squeezed tightly around the opening of the bottle. When it is opened, no ring remains, and the bottom of the cap just widens. Many *poskim* permitted removing this type of cap on *Shabbos*.<sup>35</sup> These caps have largely disappeared from the market.

There was another type of metal cap that left a ring around the top of the bottle when it was removed, and was also a completely functional cap prior to being placed on the bottle. This too has largely disappeared from the market, and today all metal soda caps are “threaded” while they are already on the bottle (as will be explained below). The only caps that are currently threaded and fully functional before placement on the bottle are the plastic ones.

Rav Shlomo Zalmen Auerbach *zt”l* differentiated between the metal soda caps that leave a ring around the bottle when removed and the plastic ones. He wrote concerning metal caps that were threaded prior to being placed on the bottle, that although it was a functional cap prior to being placed on the bottle, nonetheless, since the only method by which it can be used now as a functional cap is by breaking off the ring, one is thus creating a new utensil. Even if one were to remove the cap in its totality without breaking off the ring (e.g. by breaking the glass of the bottle underneath it), one would not be able to use it as a cap for a similar sized bottle. Thus, one has just created a new utensil.<sup>36</sup>

Rav Shlomo Zalman permitted plastic caps of this sort, since it is apparent that the rim beneath the cap (whose function is merely to act as a seal to prevent the tampering of the bottle) is a totally independent item from the actual cap and is only attached slightly to the cap. It is no different than if the cap was sealed to the bottle with lime as is done on barrels. Therefore, being that it is apparent that it is an independent part of the cap, and the cap was a fully functional cap prior to being placed on the bottle, he permitted it to be opened on *Shabbos*.<sup>37</sup> Rav Moshe Feinstein prohibited removing even a plastic soda cap, since he considered one to be breaking off part of the cap and making the cap very useful in this manner. Therefore, removing it violates an *issur Deoraisah* since it constitutes *מכה בפטיש*.<sup>38</sup>

It is noteworthy to mention that the issue of opening up the metal caps described earlier is not really relevant to us. Metal soda caps are presently made by first placing a thin smooth metal cap on the bottle. Then a pointy machine, which looks like a pencil, carves out all the tracks of the cap. This process is done while the cap is already sealed around the bottle. Consequently, the cap was never a functional cap prior to the person removing it from the bottle. According to the majority of *poskim* one commits an *issur Deoraisah* by removing such a cap on *Shabbos*.<sup>39</sup> As stated above, hardly any *poskim* consider a soda cap to be a *חולת* because it gained a new and important function.

In order to be permitted to open such a cap on *Shabbos*, one should pierce a hole into the cap, thereby destroying it and preventing any future use as a cap. One is then permitted to open it. Some other *poskim* permit, in an extenuating circumstance, for one to remove the cap if he has another cap

35. עי' שו"ת מנחת שלמה ח"א סי' צ"א:יב, וכן בח"ב סי' י"א.  
36. עי' מנחת שלמה הנ"ל, ועי' הל' שבת במטבח שהביא כמה פוסקים שאסרו, ומהם הגר"ש אלישיב שליט"א, אכן עי' באבן ישראל מהגר"י פישער שליט"א בסוף הלכות שחיטא, שו"ת ציץ אליעזר י"ד סי' מ"ה, ויחזה דעת ח"ב סי' מ"ד (ועי' במנחת שלמה בח"ב סי' י"א מה שהשיב עליו).

37. עי' בתיקונים ומילואים לשש"כ, ועי' במנחת שלמה ח"ב סי' י"א.  
38. כך שמעתי מהגר"י בעלסקי שליט"א, ומהגר"ד פיינשטיין שליט"א.  
39. כך שמעתי מהגר"י בעלסקי שליט"א, ועי' במכתבים שבמנחת שלמה ח"ב סי' י"א שנכתב בשנת תשנ"א והלאה, ואכמ"ל בזה.



available to be used, and the cap that is removed is discarded immediately.<sup>40</sup>

One is permitted to open a beer bottle since one is not making the cap into a functional utensil. A can opener may be used.

### Milk Containers and Bottles

Although there are grounds to consider a milk container to be a חותל even according to the opinion of Rav Moshe Feinstein, nevertheless, there still may be a problem to open it on *Shabbos*. Rav Moshe maintained that opening up a milk container in which a spout is formed, constitutes the *melacha* of מכה בפטיש. This is because the container was converted from being considered a simple object that just contained the milk, into a very functional utensil that has a spout. It was never such a utensil prior to this time. Thus, by opening it in such a manner, one converts it into a different type of utensil.<sup>41</sup> There are many *poskim* who maintain that although a spout is created, it is nevertheless permitted to be opened. This is because one who opens it has no intentions of using it as a utensil, and this is merely the factory designed method of opening up the bottle and removing its contents.<sup>42</sup> An easy solution to avoid getting

involved in this *machlokes*, is to either destroy the utensil by piercing a hole in the bottom of the utensil, or, as some *poskim* suggest, to at least open up the entire sealed top of the container.<sup>43</sup>

Opening up milk bottles that have a cap with a soft plastic ring around it is dependent on the *machlokes haposkim* mentioned above concerning plastic soda bottles. However, these caps can easily be opened without involving oneself in a *machlokes haposkim* by sticking a fork underneath the cap and lifting up the entire cap without breaking it.

### Orange Juice Containers and Wine Bottles Containing a Cork

Some *poskim* prohibit one to remove the plastic seal (located under the plastic cap) from an orange container. This is because one is fashioning a new opening in the utensil that can be used as a spout. However, one is permitted to remove the cork from a wine bottle, since the bottle was only temporarily sealed by an *independent* object. A corkscrew may be used to unscrew the cork. According to the reasoning of the *poskim* mentioned above who permitted ripping open a milk container on *Shabbos*, one can speculate whether opening up these orange containers would also be permitted.<sup>44</sup>

40. ע"י שש"כ סי' י"ז בהערה שם. ולהגר"י בעלסקי שליט"א לא היה נוח לו עצה זו כ"כ.

41. ע"י אג"מ או"ח ח"ד סי' ע"ח, וכך שמעתי מהגר"י בעלסקי שליט"א בפירושו של דבריו, וע"י קיצור הל' שבת בעניני מכה בפטיש.

42. ע"י שולחן שלמה סי' ש"ד, וע"י בדיומי הלכה שהביא כמה מכתבים מהגרש"ז זצ"ל, ושמעתי מהגר"י בעלסקי שליט"א שהגר"י קמנצקי זצ"ל התיר מטעם שאינו נחשב כמחובר.

43. ע"י קיצור הל' שבת שם.

44. שמעתי מהגר"י בעלסקי שליט"א שאסור לפתוחו, ואולי אף להגרש"ז אסור.