

Q&A from the Bais HaVaad Halacha Hotline

Lunch Meating

May 4, 2023

**Q** I committed to buy lunch for my non-Jewish laborers, and they are requesting that I order cheeseburgers from McDonald's. May I do so?



**A** Combinations of meat and milk may not be eaten or cooked and (Chulin 115b) are *asur behana'ah* (no benefit may be derived from them). Since you giving food to your workers, even gratis, involves you deriving *hana'ah* from the food, you may not give them cheeseburgers (see Tosafos Psachim 22b). But the idea that a cheeseburger is *asur behana'ah* is not entirely clear, as the Torah only forbids eating *basar bechalav* if the two combine *derech bishul* (by cooking). Otherwise, the combination is only forbidden *mideRabanan*, and the Rama rules (Y.D. 87:1) that any *basar bechalav* that is only forbidden to eat *mideRabanan* is permitted in *hana'ah*. In the case of a cheeseburger, it is questionable whether there are *blios* (absorbed tastes) between the milk and the meat, because the cheese is usually put on the burger only after it is removed from the grill, at which point the burger's heat is only *kli sheini*, so this combination is not *derech bishul* and is forbidden to eat only *mideRabanan*.

This is also subject to a debate about whether a *davar gush* (solid object) retains its *kli rishon* status even after its transfer to a second vessel. The Rama (Y.D. 94:7) says a *davar gush* is no different from liquid, but the Maharshal (see Taz ibid.) says it remains a *kli rishon* because it retains its heat, and many *poskim* rule this way (see Mishnah Brurah 318:118). Still, some say the Maharshal's view doesn't pertain to *basar bechalav*, because although the heat causes *blios*, the mixing of tastes is still not *derech bishul*. In practice, one must be stringent, as the matter involves an *issur de'Oreisa*.

Ironically, if the beef patty were replaced with pork, there would be no problem. The prohibition of *basar bechalav* only applies to the meat and milk of kosher species (Y.D. 87:3), so such a sandwich is permitted in *hana'ah* and may be gifted to a non-Jew. (Note that *neveilah* and *treifah* meat of kosher animals are subject to *basar bechalav*.)

The lunch should be ordered through a third-party delivery service like Uber Eats to avoid *mar'is ayin* issues. Since the food will be packaged in McDonald's bags, the workers should take it from the driver themselves.