

Post Pesach Supermarket Shopping

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There is much ado every year as to where one can shop immediately following Pesach, how long the restrictions apply for and to what products. I hope this is found to be enlightening.

My goal is not to issue a halachic decision with this article, rather to present the fact on the ground. For a final psak please consult your Rav, who may appreciate you bringing some of these facts to his attention.

In order to properly understand the halachic implications we must first elucidate the basic supermarket structure.

The general chain supermarket model is as follows:

Manufacturer → Distributor → Supermarket Warehouse → Individual Supermarket

In terms of Halacha, Chametz that was owned by a Jew on Pesach is forbidden. 'Chametz', for the purpose of this exercise, is a product that contains a kezayis (1.1 fluid ounces) of Chametz and more than 1/60th of the final cooked product is Chametz.

Therefore, if any company in the chain is owned by a Jew, and owned the Chametz on Pesach, it would be forbidden to eat after Pesach.

Publicly held companies that have a partial Jewish ownership are the subject of Rabbinic dispute, but the commonly accepted view is that of the Zecher Yitzchak (8) that although significant minority shareholders are required to sell their Chametz shares before Pesach it does not render the Chametz forbidden after Pesach. (How to define significant is a conversation unto itself and beyond the scope of this article).

Now the facts:

Manufacturers

Manufacturers obviously vary from product to product but almost all products found in the average supermarket are manufactured by publicly held companies.

Distributors

Distributors buy tremendous amounts of food from the Manufacturers and then distribute to the national chains. Most distribution companies are publicly held, however there is one very notable exception:

C&S Wholesale Grocers is a wholesale distributor of food and grocery store items. With headquarters in Keene, New Hampshire, C&S is the tenth largest privately held company in the United States, as listed by Forbes.

Israel Cohen and Abraham Siegel founded C&S Wholesale Grocers with a three-story, 5,000 sq. ft. warehouse that stocked 1,200 products. C&S serves now serves more than 5,000 independent supermarkets, regional and national chains, and military bases, making it the second-largest food wholesaler in the U.S. The company delivers over 95,000 food and non-food items from 50 distribution warehouses, located in 16 states and operates over 18 million square feet of storage space. Its customers include Safeway, Target, A&P, BJ's Warehouse, Pathmark, Stop & Shop, Royal Ahold (Giant-Carlisle and Giant-Landover), Albertson's (Shaw's), Bi-Lo/Bruno's, and Kroger.

Rick Cohen is Chairman and Chief Executive Officer. He is the third generation Cohen to lead the company. Company spokespeople have stated that he is the sole owner.

[White Rose Food was a concern for many in years past. It is the largest independent food wholesaler and distributor in the New York City metropolitan area, and was founded by two brothers, Joseph and Sigel Seeman. White Rose was acquired by Associated Wholesaler's, Inc (AWI) in June 2006. AWI is a retailer's co-op. This basically means that all the Supermarkets own the distributorship in order to harness their collective buying power. Associated Wholesalers declared bankruptcy in 2014, and sold all its assets to..... C&S which has taken over distributorship to those supermarkets. Therefore it is now subject to the same status of C&S.]

So here we run into some problems. Perhaps the Chametz on your Supermarket shelf was in the distributors' hands over Pesach!

Thankfully, for many years C&S has sold their Chametz, although they remain open for business as usual on Pesach. In recent years, there has been an improvement to the way that the sale is done; in essence the entire company is sold to a non-Jew for Pesach, so that items that are purchased on Pesach are never owned by a Jew.

The Halachic validity of a sale of Chametz to a non-Jew where the Jew continues to do business with the Chametz for the duration of the sale sounds funny. Indeed Rav Soloveitchik was of the opinion that in those circumstances the sale is a sham and should not be relied upon.

However Rav Moshe Feinstein ruled that the sale is a good sale, and the offending Jew is considered nothing more than a thief, doing business with merchandise that is not his, and therefore only Chametz that was bought or sold on Pesach would be of concern. Chametz purchased on Pesach would be an issue as it wouldn't be covered by the sale; Chametz that the Jew sells on Pesach would be of concern as he would be acquiring it from the non-Jew and then selling it on. Chametz that wasn't actually bought or sold on Pesach would remain under the aegis of the sale.

The improved sale, where the entire company is sold to a non-Jew, would seem to alleviate some of these concerns. However, this is still subject to dispute, and many Kashrus organizations require Jewish owned companies that produce chametz to close for Pesach, and do not allow them to sell the company to a non-Jew. I urge you to discuss this with your Rav.

Krasdale Foods is an independent grocery wholesaler that supplies stores in the New York City Metropolitan area, primarily the following chains: **C Town, Bravo, AIM, Market Fresh, Stop1, and Shop Smart.**

Krasdale is a private company which is owned by the apparently Jewish Krasne family, and to the best of my knowledge does not sell their chametz. The individual retail stores are independently owned, but Chametz that was owned by the wholesaler on Pesach would be problematic.

Supermarket Warehouse

So we've gotten through the distributor stage. Now the merchandise moves to the **Supermarket warehouse**. These are usually owned by the Supermarket itself, with the notable exception of Wakefern/Shoprite and Foodtown.

*The **Wakefern Food Corp.**, founded in 1946 and based in Elizabeth, New Jersey (United States), is the largest co-operative group of supermarkets in the United States. The name "Wakefern" is a portmanteau of the founders' names (W for Louis Weiss, A for Al and Sam Aidekman, K for Abe Kesselman, an E added for pronunciation, and FERN for Dave Fern), though the company adopted the name **ShopRite** for its stores in 1951.*

*Wakefern also created and operates or franchises the **PriceRite** limited-assortment chain of stores throughout Connecticut, New York, Massachusetts, Rhode Island, Pennsylvania and California. PriceRite is a wholly owned subsidiary of Wakefern.*

*The company supplies all of its members' ShopRite stores as well as the PriceRite chain. In July, 2007, the cooperative announced that for the first time, it was offering its wholesale services to third-party supermarket operators, in Northeast and other areas of the country. Since then, Wakefern has announced deals to supply **Gristedes Supermarkets** and **Morton Williams** in the New York City area, as well as the **Heinen's Fine Foods** chain of supermarkets in Ohio and **The Marketplace** in Bermuda.*

So Wakefern is owned collectively by all ShopRite and PriceRite stores which are each individually owned. So there is a possibility that there are Jewishly owned Shoprites or PriceRites who in turn own a significant part of Wakefern.

Important Note – The Shoprite in Lakewood, NJ as well as 28 other Central NJ Shoprites, is owned by the Saker Family, which is not a Jewish family. Additionally, the Shoprite in Tallman, Spring Valley, North Bergen, Fair Lawn, Passaic and others in that vicinity are owned by the Inserra Family, which does not seem to be a Jewish family. I've also been informed that any Shoprite with a "Kosher Experience" counter is not Jewish owned.

[This information is helpful for food that is owned by the individual supermarket on Pesach, not that was owned by the Wakefern collective as a whole].

Thankfully Rav Teitz, the distinguished Rav of Elizabeth, NJ sells Wakeferns' Chametz collectively, as well as the chametz of the individual Shoprites that are owned by Jews.

***Foodtown** is a northeastern United States supermarket cooperative founded in 1955 by Twin County Grocers, Inc. Their business is centered in the city and suburbs of New York (24 stores), central New Jersey (34 Stores) and eastern Pennsylvania (7 stores). They also operate under the **FoodKing**, **Foodtown Express** and **Freshtown Marketplace** banners.*

Foodtown's corporate offices are located in Avenel, New Jersey; however, each Foodtown is independently owned and operated, either by an individual person or a company that owns several stores, making it a cooperative, much like ShopRite.

In years past Foodtown has sold its chametz, both as a co-op, and of the individual Foodtowns owned by Jews, giving it the same status as Shoprite. I do not have any information as to who will be doing the sale this year, or if indeed there are any Jewish owners. The consumer is advised to look for signs in the individual Foodtowns. If you have a relevant location let me know and I will try to do some more research.

Supermarkets

Now let's look at **individual Supermarket chains.**

Stop & Shop was founded in 1914 in Somerville, Massachusetts by the Rabinovitz family as the Economy Grocery Stores Company. The company officially became known as Stop & Shop, Inc. in 1946. Stop & Shop is now the largest food retailer based in New England. It operates close to 400 stores throughout southern New England, as well as in New York and New Jersey. The chain was acquired by the American branch of Dutch food giant Ahold in 1996

So Stop & Shop is owned by a (presumably non- Jewish) Dutch company.

The Great Atlantic and Pacific Tea Company, better known as **A&P**, is a 300+ store supermarket chain with locations in Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia under several banners. It's corporate and U.S. headquarters are located in Montvale, New Jersey.

Current Banners:

- **A&P Food Market (includes A&P Fresh format & "Super A&P" format)**
- **A&P Super Foodmart (New England division)**
- **Food Basics USA**
- **The Food Emporium**
- **Pathmark ("Super-Center" and "Sav-A-Center" formats)**
- **Super Fresh**
- **Waldbaum's**

The Tengemann Group of Germany owns 38.5% of the company also a family run business, founded by the forefathers of Christian Haub, Chairman, President and CEO of A&P. Aletheia R&M and Yucaipa (Ron Burkles' private equity company) are the other major shareholders.

In 2011-2012 A&P went through Chapter 11 reorganization, has closed a bunch of stores, and emerged as a private company, apparently with the same major shareholders.

So A&P, Pathmark, Waldbaum's, Food Basics USA, The Food Emporium, and Super Fresh are all owned by Christian Haub's German investment group Tengemann and other non-Jewish major shareholders. I don't think there is any problem there either.

Kroger was founded by Bernard Henry Kroger in 1883 in Cincinnati, Ohio. Kroger pioneered the first supermarket surrounded on all four sides by parking lots in the 1930s. In 1983, The Kroger Company acquired Dillon Companies grocery chain in Kansas along with its subsidiaries, King Soopers, City Market, Fry's, Baker's, Gerbes, and the convenience store chain Kwik Shop. David Dillon, in the 4th generation under J.S. Dillon, the founder of Dillon Companies, is now the CEO of Kroger.

Kroger is now a publicly traded company, and doesn't seem to have any heavy Jewish involvement. What follows is a partial list of brands owned by Kroger:

- **Baker's** (Nebraska)
- **Cala Foods** and **Bell Markets** (California)
- **City Market** (Colorado, New Mexico, Utah, Wyoming)
- **Dillons** (Kansas, Missouri)

- **Food 4 Less and Foods Co.** (Los Angeles, California; Las Vegas, Nevada; Chicago, Illinois, Oregon)
 - *including hispanic format* and **Food 4 Less Carniceria**
- **Fred Meyer** (Alaska, Idaho, Oregon, Washington)
 - **Fred Meyer Marketplace** (Alaska, Oregon, Washington)
 - **Fred Meyer Northwest Best** (Oregon, Washington)
- **Fry's Food and Drug** (Arizona)
 - **Fry's Marketplace** (Arizona)
 - **Fry's Mercado** (Arizona)
- **Fry's Signatures (Arizona)**
- **Gerbes** (Missouri)
- **JayC Food Stores** (Indiana)
- **Harris Teeter**
- **King Soopers** (Colorado, Wyoming)
- **Kroger Food and Drug** (Ohio, West Virginia, Virginia, Kentucky, Indiana, Illinois, Michigan, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, Texas, Alabama, Arkansas)
 - **Kroger Marketplace** (Ohio, Kentucky)
 - **Kroger Signature Stores** (Texas)
 - **Fresh Fare by Kroger** (Ohio, Michigan, Georgia)
- **Kwik Shop** (Kansas, Nebraska)
- **Loaf 'N Jug** (Colorado, Nebraska)
- **Owen's Market** (Indiana)
- **Pay Less Food Markets** (Indiana)
- **Quality Food Centers** (Oregon, Washington)
 - **QFC Fresh Fare**
- **Quik Stop** (California, Nevada)
- **Ralphs** (California)
 - **Ralphs Marketplace**
 - **Ralphs Fresh Fare**
- **Scott's Food & Pharmacy** (Indiana)
- **Smith's Food and Drug** (Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming)
 - **Smith's Marketplace** (Utah)
- **Tom Thumb** (Alabama, Florida)
- **Turkey Hill** (Pennsylvania)

For all you Californians, it looks like Ralph's is ok too.

*Trader Joe's is a privately held chain of specialty grocery stores headquartered in Monrovia, California. As of December 2010, Trader Joe's has a total of 353 stores. Its stores are located most densely in Southern California, but the grocery company has locations in 24 other states and Washington, D.C. Trader Joe's was founded by Joe Coulombe and is currently owned by a family trust set up by German billionaire Theo Albrecht, one of the two brothers behind the German supermarket chain **Aldi**.*

***Theodor Paul Albrecht** (28 March 1922 – July 22 2010), generally known as **Theo Albrecht**, is a German entrepreneur, who in 2010 was ranked by Forbes magazine as the 31st richest person in the world, with a net worth of \$16.7 billion. He owned and was the CEO of the Aldi Nord discount supermarket chain. In the US he owned the Trader Joe's specialty grocery store chain.*

Theo was very reclusive, but wore a Nazi uniform (in Africa) during World War II, and lived in Germany, is presumed to be non – Jewish. He died in 2010, and his sons have inherited the business. This clears Trader Joe and Aldi as well.

***Piggly Wiggly** is a supermarket chain operating in the Midwestern and Southern regions of the United States, run by **Piggly Wiggly, LLC**, an affiliate of C&S Wholesale Grocers. The current company headquarters is in Keene, New Hampshire. It is a franchise, each store independently owned.*

So the Piggly Wiggly is owned by C&S and would be subject to their sale as well. The individual stores are individually owned and would be problematic only if they are owned by a Jew.

Walmart is a publicly traded company. Although the Walton family own a significant amount of the company, this would not be an issue seeing as they're Presbyterian. **Sam's Club** is owned by Walmart.

So far, seemingly so good, now for the problematic stores that have come to my attention:

Problematic Stores

Costco is a publicly traded company. However the CEO, Jeffery Brotman, owns a worthwhile (millions of dollars) but very minority (less than 1%) share. This should be discussed with your Rav

Safeway

Safeway Inc is North America's third largest supermarket chain, with 1,702 stores located throughout the western and central United States and western Canada. It also operates some stores in the Mid-Atlantic region of the Eastern Seaboard. The company is headquartered in Pleasanton, California.

***Safeway** is the product of a merger between the **Seelig** and the **Skagg** stores in 1926. At this time, after numerous sell-offs and acquisitions, Safeway operates under the following names in addition to the **Safeway** name:*

- **Carrs** (Carr-Gottstein Foods), Alaska supermarket chain
- **Casa Ley**, food stores in western Mexico, competes primarily with Wal-Mart
- **Dominick's** (Dominick's Finer Foods), Chicago metropolitan area supermarket chain
- **Genuardi's** (Genuardi's Family Markets), Delaware Valley supermarket chain
- **Pak 'n' Save** (warehouse store chain in California)
- **Randall's Food Markets**, southeast and central Texas supermarket chain
- **Tom Thumb Food & Pharmacy**, North Texas supermarket chain
- **Vons** (The Vons Companies, Inc.), Southern California/Nevada supermarket chain
 - **Pavilions**, upscale division of Vons

Safeway and Albertsons as well as Acme, Jewel-Osco, Shaw's, and Star Market are now owned by Cerberus Capital Management, a private equity firm with significant Jewish involvement. The major Jewish partners have no desire to own Chametz on Pesach, and sell their entire portion in the company for Pesach. There appears to be other Jewish involvement, including in the running of the fund, but with a very minority stake in the company. Of the 'problematic' stores this would seem to be the best, as the sale is done wholeheartedly.

Family Dollar operates 6,800 stores and was founded by Leon Levine in 1959. The family holds a 7.5% share of the company, a minority, but decisive, share. Family Dollar was purchased by Dollar Tree, however as of Pesach 2015 the deal is still under review by the FTC.

Ben Gurion Airport

Duty Free Stores, although they can be presumed to have a rather high turnover rate, present an issue, particularly for those who visited Israel for Pesach and are traveling home right afterward. In previous years, and I expect this to be true of this year as well, I have done extensive research, and can say with certainty that the store at D7 is closed for the entire Pesach, and all products sold there have been properly and legitimately sold for Pesach according to all opinions.

Previously Problematic Stores

Smart & Final

Hellman-Haas Grocery sold a wide variety of products including: flour, patent medicines, sheepherding supplies and gunpowder which were the top-selling categories when the store opened for business in 1871 in Los Angeles California. The company name was changed to Haas, Baruch & Co. in 1889, after Abraham Haas and Jacob Baruch bought out Herman Hellman. Abraham Haas later expanded into Northern California food distribution.

The Santa Ana Grocery Company, which was founded in 1912, mainly supplied feed and grain to local farmers. In 1914, J.S. "Jim" Smart, a banker from Saginaw, Michigan and H.D. "Hildane" Final bought the company and changed the name to Smart & Final Wholesale Grocers.

In 1953, Smart & Final merged with Haas, Baruch & Co. The company was acquired by Apollo Management in 2007. Apollo Management L.P. is a private equity investment firm, founded in 1990 by former Drexel Burnham Lambert banker, Leon Black. Leon David Black is an American businessman and money manager, with a focus on leveraged buyouts and private equity. He is a son of Eli M. Black (1921–1975), a prominent businessman who controlled the United Brands Company.

Eli M. Black (April 9, 1921 – February 3, 1975) was a Jewish-American businessman who controlled the United Brands Company. Born Elihu Menashe Blachowitz in Poland, he came to America as a child. As a young man he trained as a rabbi serving a congregation in Woodmere, New York but after three-and-a-half years he left the pulpit to enter business and was very successful, eventually creating and owning United Brands.

In 2012 Apollo sold a major stake in Smart and Final to Ares Management, a publicly traded company.

In 2014 the company went public on the NYSE. The original pre-IPO stockholders retained a majority of the shares of the company and their 'lockdown period' ended on Pesach 2015, however since the 2012 merger it appears that there has been no significant Jewish ownership.

99 Cent Only Stores

*Founded by David Gold in 1982, most of the stores are located in Southern California, with others in Nevada, Arizona and Texas, a total of 281 stores. The company also operates **Bargain Wholesale**, which sells wholesale from showrooms in Los Angeles, Chicago, and Houston.*

Gold, the son of Russian immigrants, and reportedly Jewish, started the business in 1982. Although the company is publicly traded, the Gold family retains a two third ownership in the company. Although in 2010 they did not sell their chametz, in 2011 they did, although they continued to operate as usual.

In 2013 the company was bought by Ares Management, a publicly traded company. The Gold family is no longer involved.

American Bourbons

In recent years it has come to light that many American Bourbon companies are owned by Jews and present a problem in that their Chametz has not been sold for Pesach. An updated list and more information is available at crcweb.org.

A Reasonable Doubt

As we noted, the prohibition is Rabbinic in nature. This means, practically speaking that when there is a reasonable doubt as to whether the item in question was owned by a Jew, and it is difficult to clarify, we can be lenient.

When it comes to fresh bread, after about three days bread can be bought anywhere.

For general chametz items, although stores claim a two week turnaround time, and this is probably true on average, this is almost impossible to determine on a product by product basis. Some products sit on the shelf for more than a year, some for only a day or two, as has been ascertained by informal studies.

Additionally, it would be pretty much impossible to determine where each product was on Pesach. Was it in the Supermarket, the warehouse, still at the distributor or perhaps still at the manufacturer? This information is impossible to know, as has been admitted by people who are excellent at determining product age and origin.

It would then seem that really any Chametz would be permissible to buy anywhere it's not determinable where it was on Pesach. For the immediate first few days or weeks after Pesach it may be wise to refrain from buying Chametz in a Jewish owned store that didn't sell their Chametz, or from one that is supplied by a Jewish distributor, but afterwards it would seem to be an exercise in futility to try and determine whether or not this particular item was owned by a Jew on Pesach.

With regards to stores and distributors that did sell their chametz, as discussed there are several different possible sales, and several opinions in the Poskim.

Both of these scenarios should be presented to a Rav for clear guidance.

Happy Shopping!!

For further study

http://www.yutorah.org/lectures/lecture.cfm/735490/Rabbi_Menachem_Genack/%D7%91%D7%A2%D7%A0%D7%99%D7%9F_%D7%97%D7%9E%D7%A5_%D7%A9%D7%A2%D7%91%D7%A8_%D7%A2%D7%9C%D7%99%D7%95_%D7%94%D7%A4%D7%A1%D7%97

<https://oukosher.org/passover/articles/chametz-sheavar-alav-hapesach-the-supermarket-controversy-2/>