

Rabbi Sholem Fishbane
Executive Director

Rabbi Avrohom Weinrib
Executive Assistant

AKOkosher.org
Info@AKOkosher.org

י"ט ניסן תשפ"א / April 1, 2021
חול המועד פסח – ד' לימי הספירה

A. Introduction

Chametz which was owned by a Jew during *Pesach* may not be eaten even after *Pesach* ends.¹ This year, AKO established an "AKO Post Pesach List Committee" to explore the post-Pesach status of supermarkets, convenience stores and distributors. Some of the issues explored by the committee were the following: Is there Jewish ownership, was a *mechiras chametz* performed before *Pesach*, and if so, how was it executed and by whom, and finally, who are the suppliers and are they Jewish?

Despite extensive effort and investigation, the answers to some of these questions remains elusive. The information presented below represents the group's best estimate. There are additional establishments that we did not research this year but hope to do so in the future. Any reader who has relevant information, should please share it with us.

There are several halachic issues that must be considered when determining the status of *chametz* after *Pesach*. Our committee did not attempt to resolve these issues. Our goal was to gather information which *Poskim* can use to form halachic conclusions; individuals should consult with their local Rabbi and *Posek*.

Here are some of the basic halachic concerns:

- Since *chametz she'avar alav haPesach* is an *issur d'rabannan*, to what extent does *safek d'rabannan l'kulah* apply when accurate information is not readily available?
- Can we rely on the opinions of *Zecher Yitzchok* (#8) and *Chemed Moshe* (quoted by *Mishna Berurah, Sha'ar HaTziun* 448:4) who hold that *chametz she'avar alav haPesach* is *batel b'rov* if there is a majority of non-Jewish ownership?
- Is ownership of stock in a corporation the same as ownership of the corporation's *chametz*?
- How effective is *mechiras chametz* for a supplier or store which continues to operate on *Pesach*?

This last question must be addressed by *Poskim* with respect to three different methods of sale:

¹ It is permitted to own *kitnios* during *Pesach*, and products which contain *kitnios* (and no *chametz*) may be purchased from anyone after *Pesach*. This includes rice, beans, lentils, corn, soy, and certain other items. In this context it is noteworthy that vinegar used in the United States is assumed to be produced from *kitnios* sources rather than from *chametz*. Accordingly, condiments such as ketchup, mustard, and mayonnaise are not subject to concerns of *chametz she'avar alav haPesach*.

Method 1: This is the traditional sale of the *chametz*. Presumably, the *chametz* which arrives on *Pesach* is not included in the sale because it was a דבר שלא בא לעולם.

Can one purchase *chametz* in such stores after *Pesach* because it is unknown if the *chametz* on the shelf was acquired on *Pesach* (in which case the sale was not effective) or before *Pesach*? Does *safek d'rabannan l'kulah* apply? Additionally, is the sale invalidated because the establishment operates on *Pesach*?

Method 2: The entire company was sold to a non-Jew, in which case the *chametz* that arrived on *Pesach* belongs to the new non-Jewish owner.

Is the sale of an entire company a *gross הערמה*, particularly since most of the profit from sales over *Pesach* is not shared with the non-Jew? There are mixed opinions about this matter.

Method 3: This method is utilized for businesses that have Jewish and non-Jewish partners, and the Jew and non-Jew exchange ownership of *chametz* and non-*chametz* aspects of the business for *Pesach*.

Below are a few categories of establishments and our best estimation of stores that fall into each category:

B. No Jewish Involvement

Publicly traded companies (therefore presumed to be owned by non-Jews) or non-Jewish ownership

Supplier is not a Jewish distributor.

Chametz may be purchased from these stores after Pesach

Aldi	Kmart	Walmart
BJ's Wholesale Club	Publix	Wawa
Costco	Rite Aid	Wegmans
CVS	Sam's Club	Whole Foods
Duane Reade	Trader Joes	
Hannaford	Walgreens	

C. Jewish Supplier

Publicly traded companies or non-Jewish ownership

Supplier is Jewish

Chametz of supplier is sold before Pesach using Method 2 but continues to operate on Pesach

D'Agostino Markets	Gristedes Foods	Stop and Shop
Food Emporium	Key Food	Target – see below
Foodway Supermarket	Kroger	Winn Dixie

- Target..... Some frozen foods in certain parts of the United States – particularly on the East Coast – are in this category. Non-frozen *chametz* is supplied by non-Jewish company.

D. Franchised Stores

Some stores are Jewish owned

Investigation is necessary to determine who owns each establishment

- 7-Eleven [Supplier is not Jewish]
- Shoprite A Rabbi arranges transfer of ownership for some Jewish owned stores, and purchases of *chametz* on *Pesach* from the supplier is allocated to the “new” non-Jewish owners. [Method 3 of *mechiras chametz*]. See discussion below about Wakefern which supplies all Shoprite stores.

E. Jewish Ownership

Jewish ownership

Mechiras chametz is performed using Method 1, and business is open on Pesach

Price Chopper

F. Minority Jewish Ownership

Jewish partners are minority stockholders

Mechiras chametz is performed, and business is open on Pesach

- Albertson’s...which owns Acme, Jewel-Osco, Safeway, and Shaw’s. Part of the company is publicly traded, but minority stockholders are Jewish. The Jewish owners sell their shares before *Pesach* using Method 2 of *mechiras chametz*.

Other chains owned by this company include Star Markets, Vons, Pavilions, Tom Thumb, and Randalls

- Wakefern which supplies all Shoprite stores. Wakefern Food Corporation is a cooperative which is owned by the Shoprite store owners, some of whom are Jewish. A Rabbi arranges transfer of Jewish ownership to non-Jewish partners (i.e., *mechiras chametz* Method 3), and the purchase and distribution of *chametz* on *Pesach* by Wakefern are allocated to the non-Jewish partners.

G. Some Jewish Suppliers

- Amazon..... is publicly traded and does not use a Jewish supplier. However, they serve as the distributor for many Jewish-owned companies. The name of the supplier is often posted on the Amazon website. Consumers should make a reasonable effort to determine if the supplier is Jewish before purchasing *chametz* after *Pesach*.

This same concern applies to other on-line distributors, such as Walmart.com, and SamsClub.com

I. Alphabetical Listing

Section where information can be found about specific establishments

7-Eleven	D	Jewel	F	Star Markets	F
Acme	F	Key Food	C	Stop and Shop	C
Albertson's	F	Kmart	B	Target	C
Aldi	B	Kroger	C	Tom Thumb	F
Amazon	G	Pavillions.....	F	Trader Joes	B
BJ's	B	Price Chopper	E	Vons.....	F
Costco	B	Publix	B	Wakefern.....	F
CVS	B	Randalls	F	Walgreens	B
D'Agostino.....	C	Rite Aid	B	Walmart	B
Duane Reade.....	B	Safeway	F	Walmart.com	G
Food Emporium ...	C	Sam's Club	B	Wawa	B
Foodway.....	C	SamsClub.com	G	Wegmans	B
Gristedes	C	Shaw's.....	F	Whole Foods	B
Hannaford	B	Shoprite	D	Winn Dixie	C