

## A Guide for the purchasing of *Chometz* after *Pesach*

By Rabbi Aharon Cohen from Tiferes Israel via Ron Yitzchok Eisenman, reprinted with permission of Rabbi, Congregation Ahavas Israel, Passaic, NJ

### PLEASE NOTE:

1) Given the complexity of the issues, it should not be surprising that Rabbonim will offer differing opinions. The recommendations in this email are based upon Rabbi Cohen's personal inquiries and consultations. Rabbi Cohen would like to thank Rabbi Yaakov Luban, Executive Rabbinic Coordinator of the OU and Rabbi of Congregation Ohr Torah in Edison, NJ, whose research and analysis of this matter has been invaluable.

### BACKGROUND

There is a Rabbinic prohibition – referred to as *Chometz She'avar Alav HaPesach* - against benefiting from *Chometz* which was owned by a Jew at any time during *Pesach*.

Nowadays, it is often difficult to ascertain whether a Jew might have owned the *Chometz* during *Pesach* because there are often multiple distributors to a given supermarket.

Additionally, there is a major dispute amongst the *Poskim* whether one should rely on the sale of *Chometz* by a business that continues to operate over *Pesach*.

Some *Poskim* feel that such a sale is valid and prevents the prohibition of *Chometz She'avar Alav HaPesach*, while others feel that such a sale is unacceptable.

Amongst contemporary *Poskim*, Rav Moshe Feinstein espoused the former view, while Rav Soloveitchik advocated the stricter position.

The OU follows Rav Soloveitchik's opinion.

This entire issue is complicated by the fact that even if the business in question sells its *Chometz* in consonance with the more lenient view, it will invariably continue to receive *Chometz* after the sale of *Chometz* has taken place. This *Chometz* would apparently not be covered by the sale.

Many Rabbonim have a strong preference to avoid reliance on these types of sales unless there are other reasons for leniency.

This discussion has particular relevance to a major supermarket distributor, C&S (Cohen & Siegel), which is Jewish-owned and operates on Pesach, but also participates in *Mechiras Chometz*.

When there is likelihood that the *Chometz* was not owned by a Jew during *Pesach*, it is permissible to purchase it. However, there is still a preference to purchase *Chometz* about which there is a certainty or a high likelihood that it was not owned by a Jew during *Pesach*.

Based on the above, stores can be divided into three categories regarding purchasing *Chometz* after *Pesach*:  
(1) Highly recommended - there is a certainty or high likelihood that the products are not *Chometz She'avar Alav HaPesach*

(2) Recommended – there is a likelihood that the products are not *Chometz She'avar Alav HaPesach*

(3) Not recommended – there is a likelihood that the products are *Chometz She'avar Alav HaPesach*.

## **PRACTICAL APPLICATION**

According to the information available, the stores can be categorized in the following way:

The Shomer Shabbos stores in the community (Kosher Konnection, Seasons, etc.) are in the (Very) Highly recommended category, as they sold their *Chometz* before *Pesach* and make sure to purchase new *Chometz* after *Pesach* from reliable sources.

(1) Highly recommended: Costco, Duane Reade, Fairway, Quickcheck, Rite-Aid, CVS, Walgreen's, Trader Joe's, Shopper's Vineyard.

(2) Recommended: Shoprite on Paulison, any Shoprite with a Kosher Experience, Walmart

(3) Not recommended: Stop & Shop, Target, Shoprite in Nutley

It should also be noted that arrangements are made each year with the Paulison Shoprite to set aside specific products before *Pesach* to ensure that they are not *Chometz She'avar Alav HaPesach*. These products are also in the "Highly recommended" category. These products are available immediately after *Pesach*, and a detailed list of the items is available in the store.

Clarification of which items are of concern

1) The restriction against purchasing products applies to "overt *Chometz*"

(Chometz Gammur). This includes: cereal, cookies, crackers, pretzels, grains, and flour and of course bread.

2) Products which contain vinegar, such as mayonnaise, ketchup, and mustard, may be purchased since there is likelihood that the vinegar is not *Chometz*.

3) When can one resume purchasing *Chometz* products from a store that is “not recommended”? It is difficult to ascertain the shelf-life and turnover rate of inventory in supermarkets. It is advisable to refrain from purchasing *Chometz* in these stores until *Lag B’Omer* (Thursday, May 23).

4) However, bread and alcoholic beverages are exceptions to this rule, as noted in the following two paragraphs.

5) Bread may be purchased from any non-Jewish owned store immediately after Pesach (including Shoprite on Paulison, any Shoprite with a Kosher Experience, Target, Stop & Shop, Gala Fresh, Walmart) as C&S does not sell bread.

- If the store may be Jewish owned and the sale of *Chometz* is questionable, one may purchase from the store starting Thursday, May 2, when there will be a strong presumption that the bread on the shelves arrived after *Pesach*.

6) Alcoholic beverages containing *Chometz* are included in the *Halacha* of *Chometz She’avar Alav HaPesach*. The turnover rate of inventory in liquor stores takes longer than in supermarkets. Therefore, it is recommended that one wait until Shavuot before buying alcoholic beverages

from a Jewish-owned store that did not arrange for the sale of *Chometz*.

7) Non-*Chometz* products can be bought in any store.