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Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Halochos of Chometz after Pessach

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Chometz After Pesach in Challenging Times | Tazria-Metzora 5780

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Due to the challenging situation the world is in that is also affecting Klal Yisroel, we saw a need to be very meikel regarding the chumra some have not to eat after Pesach chometz that was sold by a rav to a non-Jew for the duration of Pesach. Because of the situation and the limited ability to purchase products and go out in public, this chumra can be relaxed. As an introduction to the basis of the chumra, we will first explain the halochos and then go through what one may be meikel on this year.

Chometz She'avar Alav HaPesach

A Jew's Chometz

1. One may not benefit from chometz that was owned by a Jew on Pesach (ש"ע סי' תמ"ח ס"ג). This is a penalty Chazal made for violation of the issur of ימצא ובל יראה (מ"ב סק"ז) בל יראה ובל ימצא.
2. This penalty is not limited to the owner of the chometz; any chometz that was owned by a Jew over Pesach may not be eaten by anyone. Otherwise, people will easily get around the issur (ערוך השולחן סי').
3. If a store owned by a Jew who doesn't keep Torah and mitzvos, lo aleinu, sells chometz, the chometz is a Jew's chometz, and one may not buy chometz that he owned during Pesach. There is no issur to buy non-chometz products from him after Pesach since the money he received for his chometz and things he buys with that money are not assur.

A Non-Jew's Chometz

4. Chometz that was owned by a non-Jew over Pesach may even be eaten (ש"ע שם ס"א).
5. Therefore, if one gave chometz to a non-Jew as a true gift without requiring him to return it or made a true sale of chometz to a non-Jew with a valid kinyan, even if the Jew knows him and knows that he will not touch it and will return it after Pesach, it is not considered chometz she'avar alav haPesach, and it may be eaten (ש"ע תמ"ח ס"ג).

Hefker

6. There is no issur to eat hefker chometz after Pesach as long as it was truly hefker (מ"ב סי' תמ"ח סק"ב). If, however, someone made his chometz hefker but planned to reacquire it after Pesach, it was not truly hefker (מ"ב סי' תמ"ח סק"ח), and it is assur after Pesach.

Sofeik

7. Some say if it is unknown whether something is chometz she'avar alav haPesach, one may be meikel since it is a sofeik derabanan (פמ"ג י"ד) (סי' צ"ט שפ"ד סק"ז), but the poskim argue whether it may even be eaten or if it may only provide benefit (וע"י) ישועות יעקב שם, ובי"ד חק יעקב סי' תמ"ט, ישועות יעקב שם, וע"י). (באריכות שדי חמד מערכת חמץ ומצה סי' ה' אות ל')
8. If it is unknown whether or not the chometz sale was valid, some write that it is viewed as sofeik chometz she'avar alav haPesach, while others allow it to even be eaten (ש"ע בית שלמה סי' ס"ב).

Chometz in a Jew's House after Pesach

9. Chometz in a Jew's house – even if it was nullified (ש"ע שם ס"ה) or made hefker (מ"ב סק"ה) before Pesach – may not be eaten after Pesach. Although nullifying it or making it hefker avoids the issur of בל ימצא, Chazal feared that if chometz that was nullified would be muttar, everyone would leave their chometz for after Pesach and say they made it hefker before Pesach so that they can eat it (מ"ב שם).
10. **Did bedikah and bittul.** If one did bedikas chometz before Pesach as usual, nullified his chometz before Pesach, and then found chometz in his house after Pesach [that he did not sell], some poskim are meikel and hold it may be benefited from since the owner did everything he was supposed to – what else should he have done (אחרונים הובא במ"ב שם)?
11. Others say Chazal did not differentiate between different scenarios, and one may not benefit from the chometz (אחרונים הובא במ"ב שם). The Mishnah Berurah concludes one may rely on the meikel poskim and benefit from the chometz if he will otherwise incur a major loss.

12. **Didn't do bedikah due to oneis, did bittul.** If one did not do a bedikah due to an oneis but nullified his chometz, the halochah is the same as above, as if he did bedikah and bittul, and he may be meikel to avoid a major loss (ביאה"ל סי' תמ"ח ס"ג ד"ה אפילו). In the challenging situation this year [5780/2020] as well, one may be meikel.
13. **Did not do bedikah or bittul due to oneis.** If, due to an oneis, one did neither bedikah nor bittul, e.g., he was in the hospital or made Pesach for the first time and forgot to do what he was supposed to, although he did not violate ימצא ובל יראה since he was an oneis, Chazal still gave the penalty of forbidding his chometz – even just benefiting from it – as an extension of a case where an issur was done (מ"ב סק"ט).

Chometz Sold in a Mechiras Chometz

Mechiras Chometz

14. Jews throughout the whole world arrange a mechiras chometz with a rav before Pesach. The minhag is also to rely on a mechiras chometz בל יראה ובל ימצא (ביאה"ל סי' תמ"ח ד"ה בדבר מועט) even with true chometz. Whoever is skeptical of the heter of mechiras chometz should be rebuked (שו"ת חת"ס א"ח סי' ק"ג ד"ה ולפי"ז).
15. Nevertheless, some question the heter of mechiras chometz even when done properly (בכור שור פסחים כ"א ע"א, מחצית השקל סק"ד ד"ה וצ"ע), especially the way it is done today, because it looks a bit deceptive and for other reasons. [See the reasons at length in Chukai Chaim Issue 88.]

Mechiras Chometz to Avoid the Issur of ימצא ובל יראה

16. Due to concerns about mechiras chometz done through a rav, many people do not include true chometz in their sale as a precaution to be extra careful not to violate the issur of ימצא ובל יראה. They destroy all of their true chometz before Pesach but will do a mechiras chometz for things that are only questionably chometz, e.g., medicines, cosmetics, and the like, or to exempt themselves from a chiyuv bedikah (א"ר סי' תמ"ח, הגרשו"א הליכות שלמה פסח פ"ו דבר הלכה אות י"ג).
17. Many people rely one hundred percent on a mechirah even for real, intact chometz if it is in a designated space and properly marked "Sold to a Goy." There is certainly a basis for them to rely on.
18. **Major loss [hefsed merubeh].** Some only rely on a mechiras chometz if they will otherwise incur a major loss. This is what the heter of mechiras chometz was originally instituted for.

Factories, Stores

19. Factories, food suppliers, wholesalers, and stores throughout the world rely on this: they sell all the chometz in their possession and rely on the illustrious Rishonim and Acharonim who ruled that they can do a mechiras chometz since they will otherwise incur a major loss (שו"ת אורי וישעי סי' קכ"א, ישועות יעקב סי' תמ"ח סק"ה).

Whiskey

20. Although whiskey is merely distilled from grain and some hold it is not actual chometz ["chometz gamur"], (שו"ת פני יהושע ה"ב סי' ט'), the consensus of the poskim is that it has the status of actual chometz (שו"ת הכ"צ סי' כ', שו"ת שו"מ מהר"ח ח"ג סי' פ"ג, מ"ב סי' תמ"ב סק"ד, ושערי תשובה) (שם, ושו"ת מנח"י ח"ז סי' כ"ז).
21. Some people do not include any actual chometz in their mechirah besides for whiskey. It could be the reason is because whiskey falls under the heter of "a major loss" (ב"ח סי' תמ"ח ואחרונים). Although a single bottle of whiskey – even an expensive one – is not a major loss to a wealthy person, it is still a costly beverage, so people rely on the heter to include it in their mechirah.
22. Another possible reason is that in those days, the mechiras chometz was mainly instituted for whiskey, as is clear from the Acharonim (ב"ח שם), because the taverns were full of whiskey before Pesach which would all add up to a major loss. Since the heter was instituted for whiskey, it remains in place, and people sell whiskey in their mechirah.

23. It should be noted that if someone only has a bit of whiskey left in a bottle, it could be he does not have the abovementioned heterim, as that is clearly not significant enough to be considered a major loss.

Mechiras Chometz and Chometz She'avar Alav HaPesach

24. Everything we have written about whether or not to rely on selling chometz is only as far as the issur deoraisa of **בל יראה ובל ימצא** is concerned. The considerations are different for the topic of chometz she'avar alav haPesach since that is only a derabanan penalty for someone who violated the issur on Pesach.

25. As long as chometz belonged to a non-Jew on Pesach, the previous Jewish owner did not violate **בל יראה ובל ימצא**, and the chometz is not even assur derabanan as a penalty for chometz she'avar alav haPesach, as explained above (paragraph 5).

26. **Doesn't sell actual chometz but buys from stores.** Thus, even if one personally does not rely on selling his chometz as far as the issur of **בל יראה ובל ימצא**, he may still rely on another person's mechiras chometz if that person sells chometz, and the chometz does not become assur.

27. Similarly, one may buy chometz products in a store that did a proper mechiras chometz [and has a certificate attesting to that if he does not know that the owner keeps Torah and mitzvos] since the storeowner was allowed to sell his chometz to avoid a major loss. This is the minhag throughout the world.

Being Machmir on Chometz She'avar Alav HaPesach

28. Although we wrote that the general minhag is to be meikel to rely on a mechiras chometz with respect to the issur of chometz she'avar alav haPesach, we do find some major gedolim who were machmir and did not (הגר"א, מעשה רב אות קפ"א, רע"א, איגרות סופרים רבני רע"א סי' מ"ח, חו"א,) (ארחות רבינו פסח אות י"ט וכו' for the abovementioned concerns.

29. **Wholesalers, food warehouses in Eretz Yisroel.** There is another concern that is reason to be machmir in Eretz Yisroel to only eat chometz that was baked after Pesach: even if the factories sell their chometz under the supervision of the kashrus body that grants them their hechsher, and even if the storeowners sell their chometz and have a certificate attesting to that, there is no body that obligates wholesalers or food suppliers between the factories and stores to sell their chometz, and many of them do not keep Torah and mitzvos, r"l. Therefore, whatever comes into the stores after Pesach is assur out of concern that it is chometz she'avar alav haPesach.

30. Every storeowner with yiras Shomayim has the responsibility to make sure to only get goods from someone with a certificate attesting to a mechiras chometz.

Ground and Baked after Pesach

31. Because of the above reasons, some people make sure to only eat chometz that was produced after Pesach. It is important to know that even if something was produced after Pesach, that doesn't mean that all the chometz was from flour ground after Pesach unless it explicitly says, "Made from flour ground after Pesach."

Manufacture Code

32. Most chometz products in Eretz Yisroel have a manufacture date code on the package. This year, the first day after Pesach [22nd of Nissan in Eretz Yisroel] fell on April 16 on the Gregorian calendar, 107 days after the beginning of the secular year. At the end of the series of numbers on the manufacture code, the year 2020 is indicated first, followed by the number of days after the beginning of the year. Thus, 2,107 or 20,107 both signify 107 days into the secular year 2020.

33. Accordingly, any number below 107 signifies a manufacture date before the end of Pesach; any number 107 or higher signifies a manufacture date after Pesach.

Flour

34. Before water is mixed in, is regular flour chometz or not? Essentially, it depends on whether water was added when it was ground. This depends on what is done in that particular place and time.

35. **Moistened flour.** Strictly speaking, flour made from moistened wheat kernels may be used for matzoh on Pesach since they are not cracked and no signs of leavening are visible on them. However, the Geonim ruled that it may not be used for matzoh since we are not expert enough in moistening wheat without it becoming chometz (ש"י"ע סי' תנ"ג ס"ד). Even so, even people who do not sell actual chometz to non-Jews may certainly sell this flour (ח"א סי' ש"ט) (תשובות והנהגות ח"א סי' ש"ט).

36. **Regular flour.** However, in most places, wheat kernels are not soaked in water before they are ground. In many places they are sprayed with a very small amount of water to make it easier to remove the husks when they are ground, but no signs of leavening are visible on the wheat even after a few hours. Therefore, the poskim hold regular flour is not considered chometz at all (תשו"ג"ש ס"ח).

37. Thus, even the machmirim are not machmir on regular flour that was sold to a non-Jew (חו"א, הגר"י קניבסקי, ארחות רבינו ח"ב אות י"ט). (הגר"ש"א, אשרי האיש ח"ג פס"ב אות ז' chumra on a potential issur derabanan.

38. **Dry flour.** However, some have a hiddur after Pesach to only use flour that was ground before Pesach if it is "dry flour," i.e., the wheat was not sprayed with any water before it was ground. In this way,

the flour is undoubtedly not chometz and is on the same level as flour ground after Pesach. [Packages that say, "Ground and baked after Pesach" can also be found on "dry flour."]

39. **This year, 5780/2020.** In the current challenging times, there is no reason to only use flour ground after Pesach since strictly speaking, flour isn't chometz even according to the machmirim.

Whole Wheat

40. When it comes to whole wheat products, even though the flour could be free of chometz concerns, e.g., it is "dry flour" or it was ground after Pesach, raw materials such as gluten or malt, which were chometz from before Pesach, are added. Therefore, those who are machmir must verify that the added raw materials were purchased from a non-Jew after Pesach properly even if the flour itself was ground after Pesach.

For Small Children

41. Based on all the above, one should not be makpid to only feed children food made from flour ground after Pesach, even in a regular year. Regular flour ground before Pesach has a solid enough basis – there is no reason to make children hungry or diminish their strength, especially for their learning, for the sake of chumros one wants to follow on an issur derabanan.

Chometz After Pesach in Challenging Times

Going to Stores

42. Since there is a real danger in going to stores and being around people, this year one may lechatchilah be meikel and rely on a mechiras chometz done by a reliable rav even if it was done by phone or email. This is true for an individual who sold actual chometz that he left in his house, and one may certainly buy chometz from a store that has a certificate showing its chometz was sold properly and permissibly. After all, strictly speaking, one may rely on a mechiras chometz; people shouldn't be endangered for a chumra.

43. The more a person is around other people, the more he endangers himself and others. Therefore, one may go out for what he needs, but if searching for only chometz produced after Pesach would cause him to stay in stores longer than necessary or go to other stores that have the product he wants, he is endangering himself and others.

Grocery Stores, Supermarkets

44. **Grocery stores [makolets].** Small grocery store owners usually do a mechiras chometz. Therefore, whatever is in the store right after Pesach has no concerns of chometz she'avar alav haPesach. After some time, they receive goods from wholesalers – not directly from factories – and many wholesalers don't keep Torah and mitzvos and don't sell their chometz, making the goods chometz she'avar alav haPesach. Thus, it is advisable to buy from a grocery store owned by someone who keeps Torah and mitzvos meticulously and is careful to only buy new goods from a wholesaler who sold his chometz.

45. **Supermarkets.** Big supermarkets, especially ones that are part of a chain, usually buy straight from the factories, and if the factories have an excellent hechsher, one may assume they sold their chometz. Thus, one may buy from a supermarket owned by someone who keeps Torah and mitzvos without worrying.

Our Job at This Time

46. **Not getting close to people.** Wherever one may be during this time, whether in a small store or a large supermarket, he must make sure not to get close to other people and to wear a mask over his nose and mouth so as not to endanger himself or others. No one should be embarrassed to go out with a mask, not even rabbanim, roshei yeshivah, Chassidim, or illustrious people; one should have in mind that with the mask, he fulfills the mitzvah of **לנפשותיכם** and ונשמרתם מאד.

47. **Pikuach nefesh vs. chumra.** Some claim that they want to be machmir during this time on their minhagim and extra chumros, e.g., chometz after Pesach, tevilah in a mikveh, gathering to have a tish, davening with a minyan, and the like, even when they can't be done with proper distancing. They say that in every generation, Klal Yisroel made sacrifices even to just keep minhagim, as is evident from the stories our ancestors in every generation related. They also want their grandchildren and future offspring to be able to say that their grandfathers made sacrifices to keep their minhagim and perhaps even died al kiddush Hashem.

48. The response to this is that **one may make personal sacrifices – but he may not sacrifice others.** In other words, Yidden only put themselves at risk to keep minhagim in difficult times, each person according to his level of emunah in Hashem. However, if it will put others in danger, it is completely forbidden to be machmir and ignore the instructions of the rabbanim, poskim, and doctors. Doing so is not "frum"; it is endangering the lives of others. Sometimes a person thinks he is being frum, but his "פרום" ends up standing for "פול בשנות, (מור"ר סענדר פייערשטיין) – much wickedness, few mitzvos (י"יניג מצוות

49. If someone really wants to be zocheh to do more mitzvos and make Hashem happy at this time, there are many opportunities for him to fulfill the mitzvos of bikur cholim or nichum aveilim by phone or with a letter (see Issue 64, paragraphs 11-12) to the thousands of Jews who need it at this time. That way, he will find favor in Hashem's and people's eyes.