



# GUIDE TO PESACH 5781

Practical Laws for Pesach

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This pamphlet will help you prepare for Pesach. You will learn which of your manufactured products has chometz in it and needs to be sold and what you can keep. You will learn how to kasher, how to conduct yourself on Shabbos Erev Pesach, what needs to be immersed in a mikve and what to do when you can't get to the mikve. There is something for everyone. Many will gain from the practical information. The notes offer in-depth explanations for those wishing to delve deeper. Use the index, search for a word or read the entire pamphlet like a book. It was written to serve communities in Eretz Yisroel, USA and the Republic of South Africa. Some material was added dealing with the Covid pandemic.

יש הרבה מאמרים בעברית ושאלות ותשובות להכנות לפסח. חלק העיוני בעיקר בלה"ק והוספתי מקורות להרבה הלכות.

By

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**Rosh HaKollel**

**KOLLEL**  
YAD SHAUL

&

**Rav of Kehillat Kol Rina**

**Nachlaot, Yerusholayim**

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## Introduction

1. This pamphlet is for the consumer who wishes to be more informed and understand the laws of chometz and Pesach observance. Although the primary objective is to offer accurate rules so that readers can keep Pesach properly, on occasion I have digressed to offer explanations of the rules, hence making Pesach observance more intuitive, clear, manageable and less perfunctory. Certain underlying principles that run through the pamphlet make the laws here slightly different than those commonly followed. (See, for example, the section regarding medications.)
2. To some, the approach herein may seem unusually lenient; to others it may seem complex. The intention is neither to be lenient nor complex but to be halachically accurate and to include you in the Pesach observance process as much as possible.
3. It is my conviction that in all kashrus-related matters (Pesach included), the consumer has the final responsibility vis-à-vis Hashem for what he ingests. *Hechsberim* and rabbinical supervisions do not accept responsibility for individual violations; nor do they release the consumer from culpability. It is up to the consumers to determine what level of supervision they are willing to trust. Since it is you who are ultimately taking responsibility for what you own and ingest on Pesach, the more you understand about the laws and principles, the greater control you have of your *kashrus* and spiritual development.
4. In general, the approach of this guidebook is to identify those items that are chometz and rid them from your home. This should be done by throwing out the chometz or properly transferring them to a gentile (with a *kinyan meshichoh* and *keseif*). Items that are not edible or for whatever reason are not classified as chometz may be kept in your home and used. After ridding your home of chometz (as defined herein), one may opt to be stringent (*machmir*) and take advantage of the standard sale of chometz

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(filling out a form with your rabbi and leaving items in the cupboard that may contain chometz ingredients but have not reached the threshold of chometz as described herein).

5. This pamphlet can also be useful (but perhaps less useful and somewhat ponderous) for those who keep chometz such as crackers, cereals and whiskey in their cupboards, mark them as chometz and ask a rabbi to sell the designated chometz.

### Medicine

6. Most prescriptions can be filled with kosher-for-Pesach medicine. Since some prescriptions are, unfortunately, not available with kosher certification, here are some guidelines for those who must take medicine on Pesach.
7. Medicines that are not taken orally and should not be swallowed, such as ear and eye drops or medicinal skin creams, are not chometz and may be kept in one's home and used on Pesach. The issue of owning and eating chometz arises only with regard to medicines that are taken orally. If they contain chometz ingredients, are they forbidden to own or ingest? While there are pamphlets that list all such medications seeking out the ones that have no chometz ingredients and declaring them kosher for Pesach, this author believes that this is not necessary.<sup>1</sup> It is permissible (and advisable) to follow the guidelines herein regarding kosher for Pesach medications.
8. Only chometz that is food is prohibited on Pesach. A bitter liquid, capsule or tablet is kosher for Pesach even if the ingredients contain chometz. These medications or vitamins are not edible; even animals would reject

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<sup>1</sup> For those interested in the kosher for Pesach list of medications appropriate for Israel, you can access it online at <http://www.kikar.co.il/medindex.php> or [http://www.clalit.co.il/he/medical/pharmacy/Pages/kosher\\_medicines.aspx](http://www.clalit.co.il/he/medical/pharmacy/Pages/kosher_medicines.aspx).

The Ministry of Health advertises the contact information of each of the four health clinics in Israel and how to access the kosher for Pesach lists here <http://www.health.gov.il/Subjects/PharmAndCosmetics/Pages/passover.aspx>. Verify that the list is appropriate for this year.

For medications (and other products) from the UK check this site: <http://passover.isitkosher.uk/> or here: <http://passover.isitkosher.uk/#Prescription%20Only%20Medicines&c>.

them as food.<sup>2</sup> The fact that we humans will ingest them for medicinal purposes does not elevate them to the status of food.<sup>3</sup> The problem on Pesach generally arises with flavored medications. Tablets coated with a sweet flavor made of chometz or liquids with grain alcohol and a sweetener are problematic since the medication is now edible and considered food.

9. A person who suffers from an illness that may become life-threatening may eat chometz on Pesach and may take any medication needed to avoid a life-threatening situation,<sup>4</sup> provided that:
  - 9.1. No kosher alternative with the same degree of efficacy is available;
  - 9.2. The illness requires immediate attention and the treatment cannot be postponed;
  - 9.3. The medication has been tested and is recognized as therapeutic (i.e., it is not experimental).<sup>5</sup>
10. If one is aware of the medical condition before Pesach, one should speak to a rav as soon as possible. There are some ways of minimizing or even avoiding the concern of eating or benefiting from chometz. The reason for discussing this earlier rather than later is so that you can get the proper

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<sup>2</sup> It is for this reason that perfumes and colognes may be used on Pesach even if they have grain-based ingredients or alcohol. Nowadays, no one consumes these items nor were they ever edible. Even if the alcohol was edible, in this mixture no human or animal would consume it.

<sup>3</sup> חזו"א סימן קט"ז סק"ח דאם מעורב בדבר שאינו ראוי לאכילת אדם אין בהם משום חמץ כיון דא"א להפריד הקמח וגם אינו ראוי לחמץ בו, ומותר לבולען לרפואה, ואף למאי דמשמע מאחרונים ז"ל דלכתחילה אסור לאכול אף חמץ שנפסל מאכילת כלב, מ"מ ע"י תערובת שאר דברים מותר, דלא שייך כאן אחשביה דדעתו על הסמים עכ"ד. וכ"כ באג"מ או"ח ח"ב סימן צ"ב דמתיר לקחת תרופות של חמץ כשנבטל משם אוכל קודם הפסח, ואחשביה לא שייך בדבר שלוקח לרפואה דאף דברים מרים ומאוסים נוטלים לרפואה עכ"ד.

<sup>4</sup> אג"מ או"ח ח"ב סימן צ"ב.

<sup>5</sup> עיין שע"ת ריש סימן תס"ו בשם תשובת הב"ח החדשות סימן ו'.

approval from your physician and pharmacist. The alternative preparations must be made before Pesach.

11. If someone is ill but his life is not in danger, he may not eat chometz on Pesach. However, he may take chometz medicine under certain circumstances. For example, swallowing a pill without water is considered an abnormal way of eating, and it is permissible to do so as long as the person is indeed sick and needs it to recover.<sup>6</sup> There are also some ways to prepare medicines before Pesach to make them kosher for Pesach (see sections 117-119).
12. Cough syrups and other liquid medicines may contain grain alcohol and may not be used on Pesach. When one must take medicine during Pesach, one's doctor should be asked to prescribe either medicine without alcohol or capsules.

### Wheat Free Matzos

13. If you are interested in gluten-free oat matzo or organic spelt matzo, you can try calling the Celiac Group in Israel 054-859-4794 or a private supplier at 02-994-3355. Both hand and machine matzos are available with a reliable *hechsher*. (Ask for the *hechsher* of the Eida HaCharedis or Rav Mordechai Gross of Bnei Brak.) You can also order online and have delivery in Eretz Yisroel <http://www.matzaman.co.il/>.

- 13.1. In Brooklyn gluten free hand oat matzo may be available at 347-351-3236 or 718-781-8279. In the UK gluten free oat matza (both

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<sup>6</sup> איסורי הנאה מותרים שלא כדרך הנאתן לצורך רפואה שאין בו סכנה (ש"ך יו"ד סימן קנ"ה ס"ק י"ג). בליעת כדורים בלי מים נחשב שלא כדרך אכילה (אג"מ או"ח ח"ג סימן צ"א). ולכן חמץ בפסח שהוא איסור הנאה שרי לחולה שאין בו סכנה כשאוכלו שלא כדרכו. וע"ש בש"ך דבאיסור אכילה שרי שלא כדרכו אף שלא לצורך רפואה. וא"כ אף אי נימא דדזשעלאטין הוא איסור אכילה (מו"ר הרב שלמה פיישר שליט"א מיקל בדזשעלאטין מדינא), מ"מ אם בולעו בלי מים שרי אף שלא לצורך רפואה.

hand and machine) and organic spelt machine matzo may be available by calling Rabbi Singer 447771816304 .

- 13.2. If such matzo is unavailable and there is concern of discomfort, illness or irreversible damage when consuming matzo at the seder, you should consult your rav. He may inquire as to the specifics of your reaction and recommend that you refrain from eating matzo, prescribe a small *shiur* that you can cope with or other remedy.

### Homeopathy

14. Homeopathic pellets that are placed under the tongue should not be owned or used on Pesach unless they have a Pesach *hechsher*. They generally have a lactose (*chometz*~~*dik*~~) coating. While there is a company that produces pellets that are vegan friendly without lactose and uses sucrose instead ([www.ollois.com](http://www.ollois.com)), nevertheless, it should not be taken during Pesach as the process of producing them uses a grain-based alcohol. However, homeopathic ointments, gels and creams or water based homeopathic remedies that do not have any alcohol or small traces of alcohol (less than one part to sixty) that were prepared for commercial use before Pesach, may be used on Pesach.

**Disclaimer:** This Pesach information does not indicate any familiarity with the efficacy of homeopathic treatment or whether it has met the standard of *halochah* to be recognized as a tested and approved medication. The information provided is only to address the Pesach concerns of those who choose to rely on this form of therapy.

### Kitniyos Medicine

15. A person who is sick, even if it is a non-life-threatening illness, may ingest *kitniyos* if a health professional determines that it is beneficial for the

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patient to have *kitniyos*.<sup>7</sup> Medications that have *kitniyos* are not a halachic concern on Pesach provided the usage of the medicine is for a person who is ill.

*There is a Hebrew section in this guide focused on the Laws of Pesach as they relate to ill people. Check sections [105-122](#) for more information. See also FAQ [146](#) in English.*

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<sup>7</sup> For example, anyone who has been positively diagnosed with Celiac Disease, may consume *kitniyos* on Pesach if a physician determines that avoiding *kitniyos* may be deleterious to the patient. Sometimes it is necessary to have a variety of foods to keep a proper balance of nutrients. Although the patient is chronically ill and is classified as being in a state of *choleh she'ein bo sakonah* (non-life-threatening illness), and the *poskim* maintain that there is no custom established to refrain from *kitniyos* for a *choleh*, still, it is forbidden to *freely* give *kitniyos*. The leniency for an ill person to eat *kitniyos* is appropriate only when it is likely that the *kitniyos* will be beneficial to the patient or the absence of *kitniyos* may be harmful to the patient (M.B. 453:7). This should be verified by a reputable physician. When the patient with Celiac Disease is a child, the child may consume *kitniyos* as changing the diet of a child can easily disrupt their health. One may be lenient with feeding *kitniyos* to children under the age of five or six (depending on their constitution and strength) if it has been determined that the refraining from *kitniyos* may adversely affect them.

A new mother who is concerned about the colic, gas or stomach pains for her newborn should she drink cow's milk, may consume rice or soy milk if she knows that it would help her infant. If she could use almond milk just as well, she shouldn't use soy or rice milk.

A patient who has Crohn's Disease, and the doctor prescribed milk that has *kitniyos* in it, may drink it if it will help him or her. The custom of *kitniyos* is waived in the face of an ailment.

Another application of this principle is when one has been diagnosed with a having a tumor and is undergoing therapy and wishes to supplement their diet with natural remedies from a natural healer that include rice or bean sprouts. The patient may consume them on Pesach if there is concern that refraining from such foods might be deleterious or the added *kitniyos* may have a therapeutic benefit (see section [44](#) and FAQ [146](#) for more information about *kitniyos* usage for the ill).



### Milk

16. Milk processed during Pesach requires special supervision. Due to the modern pasteurizing processes used in the milk industry, many nutrients are inadvertently removed. In some countries, governmental regulations dictate that Vitamin D, and in some cases, Vitamin A be added to milk before its sale. Vitamin A and D are often derived from chometz or *kitniyos*, however, only a very small amount is added to the milk. Since mixtures of even small amounts of chometz are not *batel beshishim* when added during Pesach, we must be cautious concerning milk which contains these additives.<sup>8</sup> This however, is not a concern when buying kosher milk for Pesach in Eretz Yisroel, since there are *mashgichim* at the major factories who supervise all aspects of the kashrus on the milk and its products. Only when traveling abroad for Pesach is it necessary to be concerned about this issue. The entire concern can be avoided by buying all the milk you need before Pesach. By doing so, the vitamins in the milk are *batel*. (*Bitul* works when the mixture had taken place before Pesach).<sup>9</sup> See section of *Items to be Cautious About* regarding Dairy products.

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<sup>8</sup> Vitamin D is available for purchase separately and is often prepared in an olive oil base. It is possible that the vitamin D is derived from *kitniyos* or chometz and should therefore be discarded or sold before Pesach.

<sup>9</sup> אלא דיש לעיין בזה ממשי"כ המ"ב סימן תמ"ז ס"ק י"ד וכ"כ הגר"ז סימן תמ"ב סק"ו דאם ערבו במזיד אע"פ שיש ששים כנגדו, לא בטל כיון שדרך תיקון המאכל ע"י חמץ הרי הוא חשוב ואינו בטל בששים. והוסיף עוד דאם לא ביערו ועבר עליו הפסח אסור בהנאה. והעיר בשער הציון סימן תמ"ז ס"ק י"א דזה חידוש גדול כיון דלא קעבר בב"י מה"ת ומ"מ נאסר בהנאה והוא יוצא מהכלל שכתב המ"ב בריש סימן תמ"ב. וא"כ אולי נימא דכיון דמערבים הוויטאמינים במזיד ע"פ חוקי המדינה הוי כדרכו בכך ולא יתבטל בששים. אמנם נראה דכוונת המ"ב וגר"ז דדוקא בדבר שצריך החמץ כדי לעשותו ובלי החמץ לא יוכל לעשות המאכל שרוצים לעשות כגון מוֹרְקֵס (שומן דגים) שמשימין בו לחם קלוי. ואם אין שְׁמִים בו לחם אין זה מוריס. משא"כ בנד"ד דרק משימין הוויטאמינים ע"פ

17. Rice and soymilk sometimes contain chometz and need a special *bechsher* when using on Pesach.

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חקי הממשלה או לצורך שיווק אבל גם אילו לא ישימו הוויטאמינים עדיין יהיה חלב, וע"כ נראה דאם נתערב החמץ קודם פסח בששים של חלב בטל, ולכן סתמתי למעלה דאפשר לקנות החלב לפני פסח ואז יהיה מותר לשתותו בפסח.

18.

### Items that may be used **WITHOUT** a *hechsher* for **Pesach**<sup>10</sup>

(In Alphabetical Order)

**Abdominal Discomfort** - Gelusil tablets, Metamucil (original texture regular flavor - powder only, not wafers) Phillips Milk of Magnesia (unflavored), Di-Gel (*kitniyos*), Pepto Bismol, Rolaids, Mylanta tablets or liquid, Bicarbonate of Soda, Zantac (not liquid)

**Air Freshener**- any

**Alcohol** - any Isopropyl

**Aluminum Foil** - any

**Aluminum Disposable Containers** - any

**Ammonia** - any

**Aspirin** – any unflavored pill or capsule.

**Baby Oil** - any pure

**Baby Ointment** - any

**Baby Powder** - Johnson's or any pure Talcum Powder

**Baby Wipes** - any

**Baking Soda** - (not baking powder) any pure bicarbonate

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<sup>10</sup> Rav Shlomo Zalman Auerbach (14 הערה ניסן 3: 4) found it ridiculous that *hechsherim* are given to items that do not need them. He considered it a self-generated mockery of the *kashrus* organization conferring the irrelevant *hechsher*. In my opinion, it also adds confusion for the consumers. Educated and reasonable people might begin to question whether they are ignorant or uninformed and perhaps there is a basis for concern on innocuous items. They may lose their common sense and judgement and question other items that really do not need *hechsherim*. If it were practical, it would seem advisable to return to the time when only items that truly require *hechsherim*, receive them. Leave *hechsherim* off of items that do not need any supervision before usage.

**Band Aids** - any

**Bird Food** - see above "Pet Food" section

**Bleach** - any

**Blush (make up)** - any

**Charcoal Briquettes** - for a barbeque, any kind

**Cleansers** - any

**Cocoa** - any pure cocoa

**Coffee** – any caffeinated unflavored ground, or caffeinated unflavored freeze-dried instant coffee does not need supervision for Pesach. Decaffeinated and instant coffees that are spray dried need a *hechsher* for Pesach. The process of decaffeination and preparation as instant coffee (when spray dried) can introduce ingredients that are *kitniyos* or chometz (maltodextrin and ethyl acetate). Therefore, all decaffeinated or spray dried instant coffees should not be eaten or owned on Pesach unless it has a *hechsher* or the process is known that it is acceptable. Folger's, Nescafe or Taster's Choice regular instant coffee are acceptable without a *hechsher*.<sup>11</sup>

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<sup>11</sup> Maxwell House, Yuban, Brim, Sanka and Maxim brands are not acceptable due to additives.

Coffee and tea leaves are obviously not chometz, but they are also not *kitniyos*. This has been established by the *poskim* of earlier generations. (At an earlier period, they were unknown commodities and some *poskim* treated them as *kitniyos* so that it would not lead to people permitting real *kitniyos*).

עיינ שיערי תשובה סימן תנ"ג סק"א, שהביא משב"י ח"ב סימן ה'. וע"ע בפמ"ג שם במ"ז סק"א  
דלא כחך יעקב דאסר קפה, אלא הוא מותר. ומעניין שהזכיר שם דיש שאסרו תפוח אדמה, והיום  
לא שמענו אוסרין אף שיש מקום לדמותו לקטניות דמידגן.

There are two preliminary processes that are done to coffee beans that don't pose any problem: roasting and brewing. Coffee beans are naturally green but are roasted first and then turn brown. Brewing the roasted beans releases the flavor in the water. These do not pose a *kashrus* or Pesach problem. (See my writings on *bishul nochrin* found in Keeping Kosher in a Non-Kosher Environment that explains why there is no issue of *bishul nochrin*).

The equipment used for roasting and brewing is exclusively used for coffee and there is no concern of cross contamination from non-kosher or chometz products.

However, there are three subsequent processes normally done to coffee beans that can make them unusable on Pesach:       Drying, flavoring and decaffeination.

1. **Drying:** After roasting and brewing the brew is a liquid that has water and coffee flavor extracted from the bean. The drying process removes the water and leaves just the granules or powder that the consumer uses as instant coffee. The consumer will add hot water and reconstitute the brew. There are two different ways of drying: Spray drying and freeze drying. Spray drying can pose a problem for instant coffee on Pesach whereas freeze drying is always kosher and kosher for Pesach without a *hechsher*.

- 1.1. **Freeze drying:** Freeze-drying is an expensive and time-consuming (24-hour) process which slowly removes moisture from frozen coffee under vacuum using “sublimation” which allows the liquid to go from being frozen to vapor without ever being in a liquid form. Freeze-dried coffee has more of the original flavor and hydrates more quickly than spray-dried coffee.

[The freeze-drying process involves 4 steps:

- a. Pre-chilling coffee extract to a slushy consistency at about 20°F (-6°C).
- b. The pre-chilled slush is placed on a steel belt trays or drums and further cooled in a series of steps, until it reaches a temperature of -40-(-50) °F (-40- [-45] °C).
- c. The slabs of ice are broken into pieces and ground into particles of the proper size for the drying step (the particles are sieved to ensure proper sizing, and those that are too small are melted and returned to the primary freezing stage).
- d. The frozen particles are sent into a drying chamber where, under proper conditions of heat and vacuum, the ice vaporizes and is removed (this process is called sublimation – a solid transitioning directly from the solid to gas phase without the usual intermediate liquid stage).]

- 1.2. **Spray drying:** Spray-drying is a straightforward process used in many industries and is inexpensive and relatively simple. Tiny particles of liquid coffee are sprayed into a chamber which is so hot that all of the water instantly boils out of the coffee. An important difference between the two processes is that maltodextrin is used to prepare spray-dried coffee but is not used in freeze-dried coffee. Maltodextrin can be made from chometz, *kitniyos* or neither. Hence spray

dried instant coffee needs a hechsher whereas freeze dried instant coffee never needs a *hechsher* it is always kosher and kosher for Pesach.

- 1.3. **Determining what is freeze dried or spray dried:** You can tell by looking at the instant coffee whether it was freeze dried or spray dried. Freeze-dried coffee comes out of the drier in (small) chunks while spray-dried coffee is a powder. See pictures below.



*Freeze dried*



*Spray dried*

- 1.4. Many companies use a second process called agglomeration on the spray-dried coffee. This clumps the particles together so that they hydrate faster and look more like the expensive freeze-dried chunks. You can still distinguish spray dried from freeze dried by squeezing the agglomerated clump between your fingers. Agglomerated coffee clumps will immediately return to their powdered form. Anyone who experiments with a few samples of coffee can easily learn to identify freeze-dried instant coffee and spray-dried instant coffee.
2. **Flavoring:** A fair amount of flavor is lost when coffee beans are decaffeinated, roasted, brewed, and dried. For decades, coffee companies have made special efforts to capture the escaping flavor and reintroduce it to the finished product, and in that sense, just about all coffee is “flavored”. However, reintroduction of the flavor that escaped does not pose a *Pesach* concern. The company is only using the original products and is not introducing any foreign ingredient.
- 2.1. In recent years, the concept of flavored coffee with a new flavoring has become more popular. One can purchase coffee flavored to taste like cinnamon, almonds, pumpkin, hazelnut or other exotic taste. The flavor is typically added just before packaging and may be found in all varieties of coffee including regular, decaffeinated, freshly ground, and instant. A general rule in *kashrus* is that any item which is flavored requires kosher certification whether the flavor is labeled as natural or artificial. Flavored coffee is no exception to the rule. It is common for flavors to be made of multiple ingredients and many of those ingredients have sub-formulas that are made of various ingredients and may contain chometz.

3. **Decaffeination:** Companies have developed a few methods to remove caffeine from the beans before they are roasted. This caters to the many people who insist that they like the flavor and are not interested in the kick coffee gives. The common denominator between the different methods is that the beans come in contact with a hot liquid which draws the caffeine out of the bean. The liquid used for decaffeination may be water, a chemical solvent (e.g., ethyl acetate, methylene chloride, carbon dioxide), or a combination of the two. Water can extract caffeine from the beans. The solvent can be used to extract the caffeine from the water. Should the chemical solvent have direct contact with the beans (and not the water), the beans are often soaked in hot water or steam to soften them before the solvent is applied.
- 3.1. Ethyl acetate may be derived from chometz and the water used in the process is sometimes purified hot on a carbon bed, which is in turn purified with hot ethyl alcohol, which may be derived from chometz. Due to these concerns, decaffeinated coffee is only recommended on Pesach if it bears a reliable *hechsher* certification, which guarantees that the decaffeination process has no traces of chometz or *kitniyos*. The ethyl acetate or ethyl alcohol in the decaffeination process may retain some flavor of the chometz.
- 3.2. The decaffeination process described would seem to render the coffee as *safelek* chometz as it is unknown if the ethyl acetate or ethyl alcohol was made from chometz. However, even if it was from chometz, it likely would not render the coffee chometz. Ethyl acetate is unusual in that it is toxic at the levels used for decaffeination but when it is used in tiny amounts (parts per million) it is safe and is a relatively common flavor component. Due to the danger (and taste) of ethyl acetate, the coffee companies make sure to remove all traces of it from the beans. As such, when the ethyl acetate is at high proportions it is inedible/poison and kosher. The only concern is that the company may have merely removed enough ethyl acetate to avoid danger but left enough to add edible and positive flavor to the coffee beans. This is hardly likely. The companies have a strong incentive to remove all ethyl acetate and they claim to do just that leaving no trace of ethyl acetate in the bean and if they did, it would probably be so minute as to become *batel beshishim*. There are multiple doubts whether the item is chometz, nevertheless, since there is a chance, a *hechsher* is the prudent thing to require.
- 3.3. Ethyl alcohol is not dangerous and therefore the companies do not have as strong an incentive to remove all traces of it from the beans (or water). Still, in practice the companies are careful to remove all traces from the finished product (which is a relatively simple process). As such, the reasons noted above regarding ethyl

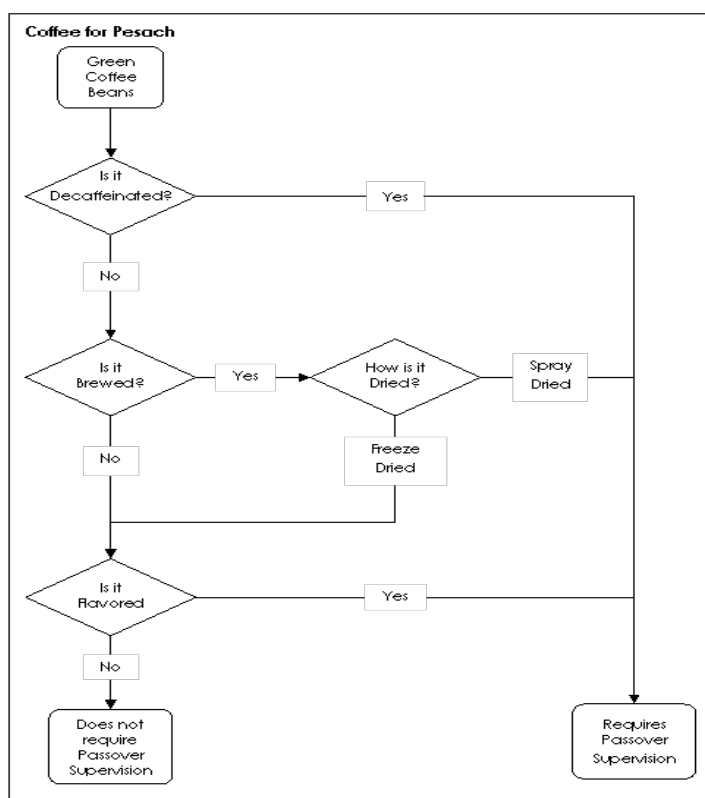
**Coffee Filter** - any

**Cold Medication** – see medications

**Contact Lens Fluid** - any brand

acetate would appear to apply to ethyl alcohol as well. In summary, even decaffeinated coffee is unlikely to have any residual flavor of chometz. More research can be done on this matter to determine whether there is any reason to still avoid decaffeinated coffee. At this stage, I cannot be sure it will always be kosher for Pesach and have still suggested finding kosher for Pesach decaffeinated coffee.

4. In summary, there are three factors that need to be considered before determining whether coffee needs a *hechsber*. The diagram below illustrates this:



(It is noteworthy that some ground coffees now include a small amount of roasted coffee together with the normal granules. This can pose a halachic concern for Shabbos as depending on the process and how you prepare your coffee, you may be cooking after baking which is forbidden on Shabbos.)



**Cosmetics** – even if they contain alcohol or wheat you may own and use cosmetics since they are not edible even to animals. Liquid foundation makeup, for example, may include wheat protein. However, once it is in a makeup bottle no one would consider using the expensive makeup as a food. Even animals would reject it. Therefore, it is not chometz and permissible to use. For example, skin moisturizer cream and blush cream-powder can be used even if the ingredients include oats or yeast.

**Cups** - any plastic or Styrofoam

**Dates** - ONLY whole dates; cut up dates could contain flour or dextrose

**Dental Floss** - any unflavored brand

**Deodorant** - any

**Detergent (Clothes)** - any

**Diapers (Disposable)** - any

**Dish Detergent** - any

**Dishwasher Detergent** - any

**Dog Food** - See "Pet Food" article (above)

**Eggs** – Fresh eggs may be used. It is highly unlikely that any residual grains might be on the eggs after they have been washed. Still, some people prefer to rinse their eggs before using them for Pesach. The eggs are usually washed in warm water and there is no concern that they have absorbed chometz flavor. Thus, it is not necessary to purchase unwashed eggs (see Igros Moshe O.C. 3:61). You may use regular eggs to cook with well in advance of Pesach or even use eggs purchased on Pesach to cook with on Pesach.

**Note:** In general, it is advisable to purchase white eggs, not brown eggs. There is a greater incidence of bloodspots in brown eggs more than

in white eggs.<sup>12</sup> (There is also no known nutritional or qualitative difference between brown and white eggs other than a different taste.)

**Eye Shadow / Eye Liner** - any brand

**Fabric Softener** - any

**Face powder** – any

**Fresh Fruit and Vegetables**—may be waxed with food grade wax that contains traces of *kitniyos* derivatives (soy protein) as a thickener. The amount of *kitniyos* is always less than half of the wax and is *batel berov*. See section about peeled fresh vegetables

**Fruit (Frozen)** - any without sugar or other additives

**Furniture Polish** - any

**Garbage Bags** - any plastic

**Glass Cleaner** – any

**Hand Sanitizer** — any

**Hairspray** - any

**Household Cleanser** - any

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<sup>12</sup> There are many reasons for this.

1. Eggs are usually candled to check for blood spots before they are marketed. It is easier to spot a bloodspot in white eggs than in brown eggs. The shell of the brown egg camouflages the bloodspot.
2. The hens that produce brown eggs are heavier and that causes more bloodspots. (Bloodspots are not an indication of fertilization. The bloodspot comes from a ruptured blood vessel in the reproductive tract of the hen).
3. Hens that produce brown eggs are commonly used for organic egg production. Organic hens are fed oats and barley which are cheaper than corn and those grains tend to cause bloodspots.
4. Hens laying organic eggs range outside and are exposed to different temperatures which can also cause bloodspots.

**Hydrogen Peroxide** - any

**Ice** (from plain, unflavored water) – any

**Juice (frozen)** – Abroad, any brand name frozen orange juice concentrate, which is unsweetened, and is not enriched. In Eretz Yisroel frozen juices require a *hechsher* for *terumos* and *maasros*.

**Lactaid tablets (not drops)** –

**Lactaid Milk** - Must be purchased before Pesach (may contain small amount of actual chometz)

**Lighter Fluid** - any

**Lotion** - any

**Mascara** - any

**Meat** - all raw meat (not coated, processed, etc.) of reliable year-round *hechsher* are also kosher for Pesach. Cured meats need special Pesach *hechsher* due to preservatives and additives. They may contain a hydrolyzed protein from chometz or *kitniyos*.

**Mineral Oil** - any type

**Mouthwash**—may contain sorbitol and other ingredients derived from chometz. Nevertheless, it is not a food or drink fitting for consumption and thus not forbidden on Pesach. One may wish to be *machmir* and get a mouthwash with a *hechsher*. Even a *hechsher* that is not very reliable is sufficient for this. All flavors of Listerine in the USA and Canada are not chometz based alcohol; they are corn based and are acceptable even for a *machmir*. (Sorbitol produced in Europe, however, is often wheat based).

**Nail Polish / Remover** - any

**Nuts** - any raw almonds, walnuts (even if bleached). Nuts should not have BHA, BHT or other additives for Pesach. Pecans must have Kosher for Pesach certification.

**Oven Cleaner** - any

**Paper Napkin** -any

**Paper Towel** - any brand. The only starches used for this product are potato starches and not wheat or corn. This paper is prepared to absorb moisture.

**Plastic Bag & Wrap, Plate, Cup, etc.** - any brand

**Pumpkin Seeds** – are not considered *kitniyos* and are acceptable if raw and without any additives.

**Quinoa** – whole seeds should be bought before Pesach and checked for other grains.<sup>13</sup> Quinoa flour should only be bought with a reliable *hechsher* for Pesach since it may have been ground on machines that process grains and not cleaned properly before grinding the quinoa. Sugat/Osem brand of Quinoa does not need to be checked for other grains. Besides the companies mentioned, it is advisable to make a visual check of the quinoa even if it is marked kosher for Pesach. Pour the quinoa on a plate and look through it for other grains such as barley. Quinoa from Ancient Harvest Company is acceptable after a visual check for other grains.

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<sup>13</sup> If you run out of quinoa on Pesach, it is not recommended to buy more on Pesach unless it has been pre-checked for other grains. If there is a *hashgochah* attesting that there are no grains in it, one may buy it on Pesach and use without further examination.

If you do not have kosher for Pesach quinoa, and were unable to precheck before the chag, in extenuating circumstances it may be purchased on Pesach. For example, if your diet is limited and the family needs quinoa to enjoy the chag and have proper meals, you can purchase quinoa that does not seem to be mixed with other grains. Check it very well and all foreign matter should be flushed down the toilet immediately. Don't allow an accumulation of grains to be gathered in one place when checking the quinoa on Pesach. Should you find a grain, separate it and dispose each single grain as it is found. The quinoa may even be checked on the first and last days of Yom Tov under certain conditions. For example, borer on Yom Tov is permitted when it is going to be used that day (before sunset), is separated by hand and not with an instrument and is separated in the easiest possible way.

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**Rice** - for those Sepharadim who use rice on Pesach, it is acceptable only without additives (this includes vitamins) and should be checked for other grains. The added vitamins sometimes have chometz.

**Rubber Gloves** - any uncoated

**Salt (Coarse - Kosher or Sea Salt)** - any

**Sandwich Bag** - any paper or plastic<sup>14</sup>

**Scouring Pad** – any

**Seltzer** – any unflavored.<sup>15</sup>

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<sup>14</sup> It is recommended to start a new box of sandwich, freezer, garbage and food bags and put the opened box away to be used after Pesach. However, if you inspect the box and see that no chometz is in the box or on the bags, you may use the opened box for Pesach. You are not required to buy a new box.

<sup>15</sup> It is permissible to make your own seltzer using SodaStream. I recommend that you follow these guidelines:

1. Be sure that you always used the SodaStream machine by adding the carbon dioxide to **unflavored** water. In other words, if you added flavorings, it was always done **after** the bottle was removed from the machine.
2. Use new bottles for Pesach. Do not use the containers that you used for flavored drinks or that were used and washed around chometz.
3. The machine and nozzle should be cleaned well before Pesach with a cloth absorbed with a cleaning agent that would be *pogem* (make unfit for consumption) any residual food particles.
4. On Pesach use new containers to make plain seltzer. Any flavorings added must be kosher LePesach.

### **Are all Sparkling Waters Permissible? I saw a list that only allows certain Seltzers!**

Seltzer, soda water, carbonated water, sparkling water are all permissible on Pesach. There are, however, kashrus organizations that do not allow carbon dioxide produced from chometz or *kitniyos*. The OU verifies the source of carbon dioxide via a letter from the supplier. Eida Hachareidis and others also won't give a *bechsher* unless their research shows that the carbon dioxide wasn't produced from chometz or *kitniyos*. Therefore, having a *bechsher* on this item is reasonable. However, I have included all sparkling water as kosher without a *bechsher* at all.

This warrants further explanation.

Carbon dioxide can be a byproduct of the fermentation of sugar into alcohol. This is what happens whenever wine, beer, whiskey bread or ethanol. This is how beer and champagne are carbonated. There are other ways of producing CO<sub>2</sub> (e.g., organic matter, mines, petrochemicals, synthetic sources and synthesis in laboratories).

The Rivash (255) addressed the halachic status of the distillation of whiskey from *stam yeinom* and rules that it is forbidden. In that process, non-kosher wine was heated. Since alcohol boils at around 78-80° (Celsius) and water boils at around 100°, when the wine is boiled between 80-100° just the alcohol evaporates but the water does not. By taking the alcohol vapors and cooling them it condenses into a liquid which has a higher concentration of alcohol than the original liquid did. This is the basic principle of distillation and how whiskey is made. The Rivash rules that if the original liquid was forbidden (*stam yeinom*) the whiskey is also forbidden as it is a direct derivative of the forbidden drink. He supports his assertion from Mishnaic sources. This notion is also the source of the halachah in Y.D. 108:4-5 that rules that bread placed on a barrel of *stam yeinom* is forbidden as it imbibes the vapors and flavor of the wine despite no direct contact between them.

Many poskim read the Rivash and apply the principles to carbon dioxide produced from chometz. In their application, since it is derived from chometz, the carbon dioxide is chometzdik and forbidden on Pesach.

I would agree that were carbon dioxide produced in the same fashion it was in the time of the Rivash (1326-1408), that would be true. However, the process has drastically changed since then and hence the halachah he established is no longer relevant.

The Rivash makes reference to some key words that are significant.

”טעם היין וריחו נשאר בו קצת”

“*The flavor and odor of the wine is found in the distilled byproduct.*”

Poskim who apply the Rivash to carbon dioxide also make mention of the flavor being retained in the carbon dioxide.

For example, the Arugas Habosem O.C. 120-121 (Rav Moshe Greenwald of Chust, Hungary, the rebbi of my great grandfather, Rav Boruch Greenfeld, printed in 1912) ruled that carbon dioxide produced from grain alcohol is forbidden as he was informed that it carries the taste and odor of the original grain. In the second *teshuvah* he notes that he was misinformed. He also makes reference to a decision of the Chasam Sofer that allowed carbon dioxide if it was made in a certain way. (I cannot be sure what the Chasam Sofer had permitted and cannot rely on that ruling.) It seems that an important consideration to consider the byproduct that was turned into a gas and subsequently cooled to be a liquid is only when it retains the flavor or odor of the original item distilled. If it is not

**Shampoo** - any

**Shelf Paper** - any uncoated. All paper products may have starches that are either corn based, potato or wheat based. Recycled paper may also be used, but the recycling process removes any previous starches and starts all over again with fiber. Chemicals are added to the paper making the original starches added inedible. One may use any paper goods on Pesach without a *hechssher* except for baking paper.

**Shoe Polish** - any

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recognizable in that way, it is too far removed and not halachically associated with its origin. It was changed into a gas and lost its connection to its origin unless it retains the odor and/or flavor.

In the past 100 years there have been great strides in distillation. 100 years ago, it was possible to liquefy the vapors of carbon dioxide, but manufacturers and scientists were unable to purify those vapors. The resulting carbon dioxide would have carried the taste of the whiskey or beer it was made from. Hence, the carbon dioxide would have been forbidden on Pesach, as the *poskim* had ruled then.

In the past 60 years five methods have been developed to purify the carbon dioxide. Four when it is in a gaseous state and one after it is liquified. It has become so pure that no taste of the original liquid is detectable at all.

The five methods are referred to as gas washing or scrubbing, using gas compression and cooling, gas deodorizing cleaning it of non-water-soluble impurities, gas dehydration and gas condensing and liquefying removing the non-condensable gases such as oxygen and nitrogen achieving 99.7% pure CO<sub>2</sub>.

Accordingly, Rav Shlomo Zalman Auerbach (see Halichos Shlomo in source cited above) when asked about carbon dioxide produced from chometz, ruled unequivocally that according to the processes done today, it is permissible. My rebbi, Rav Moshe Heinemann, the posek of Star K of Baltimore MD also allows all carbon dioxide produced from chometz. That is the reason I include seltzer as an item that does not require a *hechssher* while others will only allow certain brands which they have determined did not come from chometz or *kitniyos*. It is unclear to me whether the kashrus organizations believe it is chometz or are stringent as a matter of *chumro* of Pesach. This will impact situations when it is impossible to find alternatives. I have not received definitive answers from the authorities who restrict seltzers produced with carbon dioxide from distilled liquids made from grain.

**Silver Polish** - any

**Soap (Hand)** – any

**Sponge** - any

**Straws** - any plastic

**Styrofoam Products** - any

**Suntan Lotion** any

**Tissue (Bathroom & Facial)** - any

**Toothbrush** - any

**Vegetable (Fresh)** - Alfalfa sprouts in the U.S.A. Sprouts in Israel often contain seeds of *kitniyos* and grains of *sofek* chometz and should be avoided. There are some *bechsherim* in Israel that are careful to harvest the sprouts after the sixth day of growth and have been checked for *kitniyos*. These are clearly marked with a *bechsher* for Pesach. Artichoke, asparagus, avocado, beets, bell pepper, broccoli, brussel sprouts, cabbage (red or green), carrot, cauliflower, celeriac (celery root), celery, chicory, chives, collard, cucumber, dandelion greens, dill, eggplant, endive, escarole, garlic,<sup>16</sup> green onion, horseradish (raw), kohlrabi, leek, lettuce (all types), mint leaves, mushroom, okra, onion, potato, parsley, parsley root, peppercorn, pumpkin, radishes (all types), rhubarb, rutabaga, scallions, spinach, tomatillo, tomatoes, turnip, watercress, whole pepper, yams, and zucchini. The years immediately following *shemittah*, one should also watch out for issues of *sefichim* and related *shemittah* concerns (for those living in Eretz Yisroel).

**Water (Unflavored)** - any

**Water Filters** – any

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<sup>16</sup> עיין חיי אדם כלל קכ"ז ס"ז וז"ל ולפ"ז נ"ל פשוט דמה שיש נוהגים שלא לאכול צנון ושומים שאין לזה שום טעם וריח עכ"ל.



19.

### Items that require a Pesach *hechsher* before consuming<sup>17</sup>

**Airline Meals** - Airlines often mistakenly serve meals on Pesach which are not kosher for Pesach. Always be careful to check your meal before accepting it. It must say Kosher for Pesach.

**Baby Food** – check for Pesach *hechsher*

**Baby Formula** – Check for one with a *hechsher* for Pesach. It is permissible to use one with *kitniyos* (e.g., Similac®) if necessary. Some of these products are imported to Eretz Yisroel. Materna, which is easily available in Eretz Yisroel, now has a product which is kosher for Ashkenazim on Pesach (without *kitniyos*). Not all babies take to this well. If you experimented before Pesach and found that your infant does not eat well with the non-*kitniyos* product, you can use the Materna for Pesach that has *kitniyos*.<sup>18</sup>

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<sup>17</sup> The Rabbanut in Israel has a policy **not** to use stickers that read kosher for Pesach with the year. They will generally have the *hechsher* printed on the original food package. Stickers can be easily removed and changed from item to item which makes them unreliable. In special circumstances, they may print a sticker that has the details of the item and the year all on the sticker.

<sup>18</sup> The following products may be used for Pesach when bearing a kosher certification even if there is no mention of Kosher for Pesach. They may contain *kitniyos*, which is acceptable for infants, but they do not have chometz in them:

Alsoy, America's choice, Baby Basics, Bear Essentials, Belacta, Berkley & Jensen, Bright Beginnings, CVS, Daily Source, Discount Drug, Earth's Best Organic Baby Formula, EnfaCare, Enfagrow, Enfalac, Enfalyte, Enfamil, Enfapro, Follow-Up, Food Lion, Full Circle, Gerber Good Start Soy Formula, Giant, H-E-B, Hannaford, Heinz Nurture, Home 360 Baby, Kuddles, Lactofree, Laura Lynn, Life Brand, Little Ones, Ameijer, Member's Mark, Mother's Choice, My Organic Baby, Nature's Place, Nestle Good Start, Next Step, Nutra Infant, O Organic Baby, Parent's Choice, Pathmark, PBM Solutions, Premier

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**Bakery Goods** – check for Pesach *hechsher*

**Baking Paper** – check for Pesach *hechsher*. While most paper goods may be used without a hechsher, it has been reported (unverified) that some companies add starch that is *chometz* on the paper.

**Baking Powder** – check for Pesach *hechsher*

**Borscht** – check for Pesach *hechsher*

**Cake Mix** – check for Pesach *hechsher*

**Candy** – check for Pesach *hechsher*

**Canned vegetables with or without syrup**—may be iodized with flour, dextrose (dietetic may contain grape juice) or contain corn syrup. Frozen vegetables are often produced on the same equipment as pasta. Therefore, all canned vegetables need a *kosher lepesach hechsher*.

**Carrots** – fresh peeled carrots (whole, cut or shredded) need a *hechsher* for Pesach.

**Cereal** –

**Cheese** -

**Chocolate Chips** -

**Cocoa** – that has other ingredients (e.g., sugar) in the cocoa, requires a *hechsher*.

**Coconut Oil** – requires a *hechsher* even if it is extra virgin, cold-pressed coconut oil. The industry doesn't have such strict standards and the process is not always uniform. Furthermore, there may be equipment issues and cross contamination from non-kosher or chometz products.

**Coffee** – requires *hechsher* unless ground and unflavored

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Value, President's Choice, Price Chopper, ProSobee, Publix, Rite Aid, Safeway Select, Shopko, Similac, Supervalu, Sunrise, Supreme, Target, Top Care, Topco, Toys 'R Us, Up & Up, Vermont Organics, Walgreens, Wegmen's, Western Family

**Cold Cuts** - Cured meats need special Pesach *hechsher* due to preservatives and additives. They may contain a hydrolyzed protein from chometz or *kitniyos*.

**Confectioner's sugar** – (also known as powdered sugar) needs a reliable *hechsher* for Pesach. Confectioner's sugar is granulated sugar which has been ground to a smooth powder. A free-flow agent is added to ensure that the sugar does not clump (the added agent is usually around 3% of the sugar). Most often this agent is cornstarch, which is *kitniyos*. Since the *minhag* of Ashkenazim is to refrain from eating *kitniyos* on Pesach, confectioner's sugar should have a *hechsher*.<sup>19</sup> Sometimes, the free-flow agent used is wheat starch which obviously cannot be used or even owned on Pesach. Kosher for Pesach confectioner's sugar is made without *kitniyos* or *chometz*. Whenever an exceptional circumstance arises with regard to powdered sugar, a competent *rav* should be consulted.

Technically, pure sugar should always be kosher for Pesach. While no ingredients in standard, granulated sugar are chometz, a problem could arise in a company that uses wheat starch in its confectioner's sugar, as noted above. The company might then reintroduce the confectioner's sugar into the regular sugar. Sometimes a product does not meet a company's standards and is reintroduced back into the production line to be reprocessed. Should this happen, wheat starch could then find its way back into the regular sugar.

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<sup>19</sup> ואע"ג דקטניות בטלים ברוב כמשי"כ המ"ב סימן תנ"ג סק"ט ושי"א (עיין תה"ד סימן קי"ג, וכ"ה משמעות הרמ"א תנ"ג ס"א, וכ"כ החק יעקב, א"ר, חיי אדם, גר"ז ובאר יצחק סימן י"א). אמנם אי"ז אלא כשנפל בדיעבד אבל אם עירב במזיד המנהג הוא שלא לאוכלו, כדמשמע מהרמ"א סימן תס"ד ומהמ"ב שם סק"ו. וכ"כ בח"י וגר"ז להדיא שם וע"ע באבני"ז או"ח סימן שע"ג. וא"כ פשוט דאסור לערב לכתחילה קטניות בתבשיל על סמך ביטול ברוב.

וא"כ הכא, הא מערבים הקטניות במזיד ולא דמי לנפל, וראוי להחמיר שלא לאכול התערובת, וע"ע ציון 20. ונראה מה"ט א"א לסמוך להקל לאכול מאכלים המיוצרים עבור ספרדים שיש בהם מיעוט קטניות. דאע"פ דלא חשיב במבטל איסור לכתחילה כיון שעיקר התערובת נעשה עבור ספרדים, ואי"ז כמבטל איסור בידים, מ"מ כיון דמערבו במזיד המנהג להחמיר ולאוסרו.

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Although the amount of wheat starch in the sugar may seem insignificant, one should not use such sugar on Pesach. In areas in which the sugar may come from a factory that resorts to such a practice, a *hechsher* on sugar is recommended.

**Cookies** – There are kosher lepesach cookies made of nuts and coconut, however, it is not advisable to purchase these items in an open market where they are unsealed. Only purchase *kosher lePesach* cookies that are in packaged and sealed with a reliable *hechsher*.

**Cooking Spray** -

**Cough Syrup** –

**Cumin** – when imported from Far East may have traces of wheat and oats.

**Dairy Products** – Due to the prevalence of enzymes, stabilizers, flavors and vitamins which are made from chometz and *kitniyos* and are present in most dairy products, therefore, dairy products require a reliable certification for Pesach use. Plain whole, low-fat and skim milk (fresh, not long shelf-life items) may be purchased before Pesach without special certification. However, one should avoid purchasing milk during Pesach unless reliably certified for Pesach.

**Fish (Frozen)** – often glazes are placed on raw fish and need a reliable *hechsher* for Pesach when bought frozen.

**Fish (Prepared)** –

**Fish (Lox)** -

**Fish (Smoked)** –

**Food Coloring** –

**Frozen Vegetables**—require reliable Kosher for Passover certification since pasta blends are produced on the same equipment.

**Fruits and Vegetables (Canned or Packaged)** –

**Fruits (Dried)** –

**Fruits (Frozen) -**

**Grape Juice -**

**Gum -**

**Honey** – Honey can be adulterated with corn syrup which is considered *kitniyos*. Some honey producers mix the inexpensive corn syrup into honey and label and sell it as pure honey with no mention of this almost undetectable filler. Although this practice was rare, nevertheless, it is becoming more common and it is necessary to purchase pure honey for *Pesach* with a reliable *Pesachdik hechsher*.<sup>20</sup> Honey produced in China has been found to contain corn syrup even if it is marked pure honey.

**Horseradish -**

**Hot Chocolate Mix –**

**Ice Cream -**

**Ices -**

**Jams & Jellies –**

**Jels (Dessert) -**

**Juices (Fresh) -**

**Ketchup –**

**Lactaid drops (not tablets)** – needs a *hechsher* for Pesach. Otherwise, you can add the drops to the milk or food before Pesach and make certain that there is 60 times the volume of milk to the volume of the drops.

**Lemon Juice –**

**Lip Stick** – one does not need to have a *hechsher* on the lipstick but one should get a new lipstick in case a crumb is on the old one and it might be ingested. It is possible to cut off the top of the lipstick to make sure that there are no crumbs on the lipstick.

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<sup>20</sup> ואע"פ שקטניות בטל ברוב כמשי"כ לעיל בציון 19 מ"מ גם כתבנו שם דכל שמערבו במזיד המנהג לאוסרו.

**Liquor –**

**Macaroons -**

**Margarine -**

**Marshmallows -**

**Matzoh –** There are chometzdik matzos! Even when choosing matzos that are kosher for Pesach, one needs to be discerning. Matzos need a lot of attention in their preparation; otherwise, they can easily become chometz. They are probably the closest thing to chometz in a home that prepared for Pesach. It is wise to choose matzos manufactured under the supervision of a reputable *hechsber*.

**Mayonnaise -**

**Meat Deli -**

**Non-Dairy Creamer -**

**Noodles -**

**Nuts –**

**Oil -**

**Oil Sprays –**

**Olives –** The process of making olives includes soaking them in a brine (a liquid base with a lot of salt) and often vinegar is added to store them.

The salting makes them *dovor charif*, and the vinegar does as well. Besides, sometimes vinegar can be from chometz.

Since we are dealing with a *dovor charif* the standard rules of *eino ben yomo* do not apply and much supervision is necessary to ensure they are kosher lePesach.

**Olive Oil –** some companies purposely add soya oil and the oil should be treated as *kitniyos*. While virgin olive oil and certainly extra virgin olive oil do not need a *hechsber* all year round or for Pesach, refined or regular olive oil do need a *hechsber*. Little known, cheap brands will blend in other oils and there

can be significant kashrus concerns for Pesach and all year-round usage for consumption.

**Paprika** – *hechsher* for Pesach necessary. To maintain color consistency in paprika, companies will blend oil into the paprika and still call it pure. Red Paprika marketed in Israel often has soya oil added.

**Pickles** -

**Potato Chips** –

**Potato Starch** -

**Preserves** -

**Puddings** –

**Salad Dressing** -

**Salsa** -

**Salt (Table)** a *hechsher* for Pesach is necessary. Always check to make sure that there is no dextrose, iodine or polysorbate listed in the ingredients. Today most table salt contains iodine in the form of potassium iodide. Potassium iodide, however, tends to degrade in the presence of moisture; in order to protect the iodine, a small amount of dextrose is often added to the salt to prevent oxidation. While not generally a kashrus concern, dextrose is derived from corn (and sometimes, wheat) starch, and therefore one should only use salt that has a reliable *hechsher* for Pesach. If the salt ingredients are iodated salt, or salt and Potassium Iodate (E917), it can be used for Pesach without any *hechsher*. Dextrose is the problem. Similarly, rock salt (salt used for kashering meat commercially referred to as Kosher Salt) and sea salt do not need any *hechsher* for Pesach. Sea salt is produced by collecting crystals from evaporated sea water and salty rivers. It is entirely natural and has some minerals but no chometz or *kitniyos*.

**Sauce** –

**Soda** - <sup>21</sup>

**Soups & Soup Mixes** –

**Soup Nuts** -

**Spices** – see section of items to be cautious about.

**Spreads** -

**Sugar (Brown)** – needs *hechsher* (without *hechsher* for Pesach may contain culture, yeast, corn starch, may contain wheat starch)

**Sugar (White)** – needs *hechsher* unless manufactured in the US of America, since the companies there do not reintroduce confectioner's sugar into the regular granulated cane sugar. See confectioner's sugar.

**Sugar Substitutes** – may contain chometz. (NutraSweet). I have checked with Splenda Company and they have confirmed that the maltodextrin and dextrose they use in some of their products are corn derivatives. Splenda® has no grain derivatives in their products. Although Ashkenazim should not use Splenda® on Pesach, they may keep it in their pantries. Sepharadim who consume kitniyot may use Splenda®.

**Syrup** -

**Tea (Instant)** – needs *hechsher*

**Tea** – decaffeinated tea needs a *hechsher*. Lipton unflavored decaffeinated tea bags are acceptable even without a special *hechsher*. However, other decaffeinated tea bags need a *hechsher*.

Black, green, white, yellow, oolong, and jasmine tea are all inherently kosher for Pesach. It is the flavoring or decaffeination process that can render tea unacceptable for Pesach without a *hechsher*. Most herbal teas should be considered flavored teas and require a *hechsher* for Pesach. Plain, unflavored tea is acceptable without a *hechsher*. (See section on coffee in items that don't require a *hechsher* and the note there.)

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<sup>21</sup> There may be *kitniyos* (e.g., corn syrup) in the sweetener.



**Toothpaste** – often contains sorbitol and other ingredients derived from chometz. Some *poskim* maintain that toothpaste is inedible and thus does not require a *hechsher*. In my opinion, some children relish toothpaste and purposely swallow it. Children are people too and one should be careful to get toothpaste with a *hechsher*, as its chometz content may pose a problem of tasting and ingesting chometz on Pesach.

**Vegetables (Canned)** –

**Vegetables (Frozen)** -

**Vinegar** -

**Walnut Oil** –

**Wines & Liquors** –

**Wine (Vinegar)** -

**Yogurt** –

20.

### Items to be Cautious About

**Alfalfa Sprouts**—the ones available in Israel often contain *kitniyos* seeds and grains that are *safelek* chometz. One should not possess them on Pesach.

**Airline meals**—Chometz meals are sometimes served by mistake.

**Ant and Roach Traps**—often contain chometz as the bait.

**Apple juice**—nutrients (sometimes processed on equipment that has vinegar on it), enzymes, clarifying agents

**Applesauce**—corn syrup, sugar, dextrose, flavoring

**Aveeno® Skin Relief Bath treatment**—contains colloidal oatmeal, which means finely ground oatmeal ready for mixture in bath water. The oatmeal is edible and forbidden to eat for breakfast on Pesach or to use in a bath during Pesach. It must be sold or disposed of before Pesach

**Baby cereals and other baby food**—can contain wheat or sugar, and may be made on chometz equipment

**Bird food**—many contain grain

**Brewer's Yeast**—is made from beer production and is chometz. However, regular yeast is not recovered from chometz. Yeast can be collected from plant sources and produced via fermentation. Such yeast doesn't come any of the five grains and it isn't chametz even though it has the same characteristics as *se'or* mentioned in the Chumash and is entirely permissible to own and benefit from on Pesach (see Mechilto 9:19 on Shemos 12:19). See more about this under Yeast and sourdough.

**Brown sugar**—culture, yeast, corn starch, may contain wheat starch. If it does not have any other ingredients and is just non-refined sugar with molasses and is marked no additives, coloring or artificial flavors, you can store it on Pesach but do not use it.

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**Butter**—salt, coloring, preservatives, nutrients, culture, lactic acid from corn

**Candied fruit**—dextrose, may contain powdered sugar or flour

**Cat food**—wheat, cheese or whey with meat, oats and barley

**Cheese and cottage cheese**—stabilizers, corn sugar, coagulating agent (microbial rennet from real chometz), dextrose, cultures

**Chewing gum**—corn syrup, flavoring

**Cigars (flavored)**—chometz alcohol

**Chocolate and chocolate milk**—malt (real chometz), glucose (*kitniyos* if manufactured in the U.S. and possibly chometz if produced in Europe).

**Chocolate spread**—may contain *kitniyos*. Note: even though some chocolate spreads with *kitniyos* may say “kosher for Pesach” on the label, they are acceptable only for Sephardim who eat *kitniyos*.

**Cider vinegar**—may contain yeast that is real chometz

**Citric acid**—often derived from glucose and may be *kitniyos* or chometz.

**Coffee**—some coffees are processed on chometz machinery and some (such as Postum®) contain grain.

**Coffee (decaffeinated)**—may have been processed with ethyl acetate (derived from grain alcohol). Coffee flavoring may contain chometz alcohol, as well as non-kosher flavoring.

**Condensed milk**—sugar, preservatives and oil to reconstitute

**Confectioner's (icing) sugar**—corn starch, may contain wheat starch

**Corn flour**—usually has small amounts of grain mixed in to the flour which cannot be removed. Water is added before using corn flour for cooking. This poses a serious problem of ingesting chometz on Pesach. Therefore, corn flour and corn meal are not kosher for Pesach.

**Corn oil, corn syrup**—*kitniyos*

**Creamer (non-dairy)**—whey, emulsifiers that are dairy or *kitniyos*, some contain corn syrup

**Cumin**—cumin with a "kosher for Pesach" certification that was imported from the Far East has been found to have traces of wheat and oats. Be particularly careful to purchase ground cumin with a very reliable *hechsher*. Many Ashkenazim consider cumin *kitniyos*. Even Sefaradim should beware that imported cumin from the Far East should be treated as potentially chometz.

**Dextrose**—corn derivative

**Dog food**—barley, oats, wheat, cheese or whey and meat

**Dried fruits and raisins**—dried in chometz ovens, may contain *kitniyos* oil, flour

**Emulsifiers**—can contain glucose

**Fish food**—wheat

**Flour**—White flour has been bleached and washed, therefore should be considered *safek* chometz. It can remain wet from 3-9 hours. However, often the flour is steamed for a short time and immediately dried, so it does not become chometz. Often whole wheat (or barley) flour is not bleached and washed.

**Frozen fruit**— Plain, frozen, unsweetened fruit pieces are acceptable without kosher for Pesach supervision. However, sometimes the fruit is sweetened. Sweetened frozen fruit pieces may have corn syrup, thus if it is sweetened it needs a *hechsher*.

**Frozen fruit drink**—usually contains corn syrup, flavoring

**Glucose**—corn or wheat derivative. Many manufactured items contain glucose and they need to be treated as a *safek* chometz unless you are certain that the glucose is a corn derivative. It then should be treated as *kitniyos*. In general, if the glucose is produced in the U.S. it is likely *kitniyos* and if it is produced in Europe it should be treated as chometz.

**Honey**—corn syrup, coloring (possible even if not listed)

**Horseradish**—vinegar, sweeteners, hydrolyzed vegetable protein, wheat gluten

**Hydrolyzed vegetable protein (HVP)**—may be chometz. The protein is broken down into its amino acids and is used to enhance flavor. It can be made from soy, corn or wheat.

**Ice cream**—sugar, flavorings, stabilizers

**Kosher for Pesach labels**—can be found on many items which are *kitniyos* and meant to be used by Sefaradim. You will need to use your common sense and knowledge to make these judgments. For example, sunflower seeds marked kosher for Pesach may not be used by Ashkenazim as the supervision was meant for Sefaradim. Some kashrus organizations (such as OU) prepare kosher for Pesach items for Sefaradim and label it “O/UP-kitniyot”.

**Ketchup**—stabilizers, oil, dextrose, vinegar (real chometz), flavorings

**Lecithin**—*kitniyos*

**Liquor**—may have a grain alcohol base, wine. For example, Disaronno Originale, has chometz in it. So even when it is determined to be kosher for all year-round usage, it should not to be consumed on Pesach. It must be sold or finished before Pesach. Should a Jew own it over Pesach it becomes chometz she’ovar olov HaPesach. See the section at the end of this pamphlet on whiskies and liquors after Pesach.

**Lip Balm** – Lip balms like Chapstick® may have an ingredient that has wheat at its source, such as vitamin E (which can come from wheat germ oil). The alcohols found in lip balm are usually animal or plant based and not from grains. Unflavored lip balm is inedible to humans or animals and is not chometz, but the flavored types are considered edible and there is concern not only in possessing lip balm on Pesach but of actually swallowing a minute amount. Therefore, one should only own and use flavored lip balm that has a

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*hechsher* for Pesach. Flavored lip balms without a *hechsher* should be sold or destroyed.

**MSG**—may be from wheat

**Margarine**—emulsifiers, artificial flavor, salt, sugar, oil

**Maraschino cherries**—glucose, dextrose (cut cherries are usually colored red with carmine, an insect derivative)

**Mayonnaise**—MSG from hydrolyzed protein, oil, flavorings, sweeteners, vinegar

**Mustard**—*kitniyos* (not to be confused with kosher-for-Pesach *imitation* mustard)

**Nuts**—BHA, BHT, sprayed with *kitniyos* (corn oil)

**Oil**—*kitniyos*

**Packaged items**—Some companies have similar packaging for the same item whether it has a kosher for Pesach supervision or not. Carefully check each item to make sure the item you purchased is the one marked for Pesach use.

**Pecans**—chometz processing

**Peeled vegetables**—i.e., carrots, potatoes (may be washed and preserved with citric acid or dextrose antioxidant)

**Pet food**—wheat, milk, cheese or whey mixed with meat (unacceptable year-round). See section regarding pet food.

**Pickles**—vinegar (chometz), flavorings

**Play Dough**—edible flour (must be discarded before Pesach). (Some companies add lot of salt to keep kids from eating it and it is very salty. However, it is still edible if mixed with plain dough and the salt is diluted.)

**Powdered cocoa (sweetened)**—powdered milk, corn sweetener

**Rice**—Ashkenazim do not use rice on Pesach because it is considered *kitniyos*. Sefaradim (who eat rice on Pesach) must use additive-free rice. Rice milk sometimes contains chometz ingredients.

**Rubber gloves (powdered)**—may contain chometz powder. Latex gloves may have starch on the inside of the glove and should not be used for Pesach food preparations. It is difficult to determine if the starch is derived from corn or wheat and the worst-case scenario should be adopted. Powdered latex gloves may be used before Pesach when cleaning.

**Salt**—Table salt often contains dextrose and polysorbate, especially when iodized.

**Soda**—flavorings, dextrose, corn sugar

**Sourdough**—The common method that bakers collect yeast is by taking a handful of dough out of the batter and not bake it. As the dough sits in the bakery the yeast in that dough multiplies and is joined by other yeast found in the air to such an extent that the batter turns sour and inedible, but is a powerful enzyme that can be used to speed the fermentation of dough the next day. The ball of concentrated yeast is saved for the next day and is added to the next day's batter to help that batter rise. A handful of that batter is taken out to be saved for the next day and so on. This concentrated yeast-ball is called "sourdough" due to its sour taste, and this is what the Torah refers to as *se'or* and forbids one from owning on Pesach. Regular yeast serves the same function but is not chometz and may be owned on Pesach. One may sell it and benefit from regular yeast, but it should not be used for cooking on Pesach.

**Soy oil, soy lecithin**—*kitniyos*. Soymilk sometimes contains chometz.

**Spices (processed or flavored)**—dextrose, flavoring or oils. Even spices that declare that they contain only spice need a *hechsher* since they may have been prepared on equipment that had already been used for other spice blends that are not kosher. Minimal cleaning in between the two processes may have been done and sometimes a proper kashering is necessary between processes. Furthermore, anti-caking ingredients may have been added that are not listed.

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These pose a chometz risk. Thus, spices require a *kosher lepesach hechsher*. See Cumin.

**Splenda®**—contains *kitniyos*

**Sugar**—many sugars are produced from corn and are *kitniyos*. See confectioner's sugar.

**Sunflower seeds**—*kitniyos*

**Tea (instant)**—may contain *kitniyos* sweetener

**Tea (herbal)**—chometz or non-kosher flavoring

**Tofu**—made from soybeans (*kitniyos*)

**Tomato products**—vinegar (chometz), nutrients, salt, sugar, chometz machinery

**Tonic water**—corn syrup

**Tuna**—hydrolyzed protein, oil

**Vegetables (frozen)**—may have been processed on chometz machinery

**Vanilla extract**—corn syrup, alcohol

**Wine**—corn sugar, chometz alcohol

**Yogurt**—milk powder, enzymes, flavoring, sugar



### Travel

21. Should one leave his home before the 14<sup>th</sup> of Nissan, the night before you leave your home, a *bedikoh* should be performed without a *berochoh*. However, should you rent the entire area to a non-Jew and sell your chometz through Rav Rubanowitz, you are exempt from *bedikoh* in your home (provided that you leave your home before sunset of the 14<sup>th</sup> of Nissan). When using Rav Baruch as your agent to sell your chometz, an option is given to rent just the area where the chometz is sitting (and then you may freely use the rest of the home (and are required to perform *bedikas chometz*) or you can rent the entire area and are exempt from *bedikoh* (provided that you do not plan to stay during the entire Pesach at the location where the chometz is situated).<sup>22</sup>

21.1. If you arrive at your new residence for Pesach (e.g., hotel, relative's home) before the 14<sup>th</sup> of Nissan, you should perform a *bedikoh* in the area designated for your use the night of *bedikas chometz* with a *berochoh*. If the owner will not be coming in to perform a *bedikoh* on those areas that are off-limits to you, then request permission to open all drawers and check the entire room so that all parts of the area under your control will have had a *bedikoh*. For some areas, you will be performing your own *bedikoh* and for others, you will be acting as an agent for the owner.

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<sup>22</sup> עיין מ"ב ס"ס תל"ו דנחלקו הפוסקים אי מהני השכרת כל הבית בי"ד לפטור מבדיקת חמץ א"ד בעינן שיכיר כל הבית בי"ג עוד לפני שמתחיל חיוב הבדיקה. והביא דעת המקור חיים להחמיר (תל"ו סק"ד), וכן הסכימו גדולי עולם (חיי אדם קי"ט ס"ח, קיצור שו"ע קי"א ס"ו, הנהגת ר' חיים מוואלהזין בתומע"ר). אולם מנהג העולם להקל בזה, וכ"ד הח"ס או"ח קל"א והחזו"א דכל שעומד למכור או להשכיר א"צ בדיקה.

22. If you are staying in a hotel that has chometz available for your usage in the room, such as whiskeys in the refrigerator or pretzels on the desk, it is necessary to ask the front desk to remove all such items from the room before you enter. Placing all these items in one location with a *mechitzah* so that these complimentary items will not be mistakenly consumed is insufficient. Besides the requirement to create a reminder and separation to avoid eating chometz, since you have a financial responsibility to pay for these items if they are not found in the room after you leave, it is forbidden to keep them in your domain over Pesach (S.A. 440:1).

### ***Bedikas Chometz*-Removing Chometz from your home**

23. Any area that you do not bring chometz into need not be checked unless you have reason to suspect that there is chometz there.

#### **What Size of Chometz am I Looking for? Crumbs?**

24. Books need not be cleaned for Pesach. Any crumbs that might be in there are too small to pose a halachic concern of owning chometz. However, it is advisable not to bring books that might have crumbs to a dining table with food on it if it is possible that a crumb may fall into a dish and be inadvertently consumed. For example, *bentchers* used all year round should be put away for Pesach and not brought to the table. It is sufficient to put them in an inaccessible area. It is not necessary to sell the *bentchers* and the chometz in them is not marketable.

- 24.1. Challoh boards should be wiped down and put away. There are decorative challoh boards with a glass cover. Often many crumbs can gather between the glass and cover. If there is an accumulation of crumbs and bread pieces the size of an olive (3 ml) you will need to unscrew the glass top and brush off. They are made to unscrew and it should take a minute. Should you estimate that the accumulated chometz on the challoh board is less than the volume of an olive (less than 3 ml), you can put away without disassembling. Since bread is placed directly on top of the board, you may wish to avoid using a *dovor pogem* on this item. Use your discretion. See section [147](#) (FAQ's) for more information.

25. A toaster should be shaken clean for large pieces of chometz and put away for Pesach. As long as there is not an edible *kezayis* of chometz in the toaster, it may be kept and does not need further cleaning (see FAQ's section [130](#)).

### Sorting the Chometz: Preparing for the Sale of Chometz

#### Avoiding Possession of Chometz

##### Question

26. We would like to sell our chometz directly to a gentile and are packing up our chometz in boxes. Can you offer us some guidelines as to which items we can keep over Pesach and which items should be sold?

##### Answer

- 26.1. Any item that has a Torah or rabbinic violation of possession during Pesach must be sold or destroyed before Pesach begins.
- 26.2. Items that are not edible to an animal are not considered food and one is permitted to possess them. Food items that are *kitniyos* are also permissible to own and do not need to be sold.
- 26.3. Manufactured foods that are entirely chometz or are a mixture of chometz and other ingredients are forbidden to possess. Even if there is less than a *kezayis* (3 ml) of chometz in the product and the chometz content is more than  $1/60^{\text{th}}$  (1.66%) of the food product it should be sold or destroyed. If there is less than a *kezayis* (3 ml) of chometz in the product and the chometz content is *less* than  $1/60^{\text{th}}$  (1.66%) of the food product it still should be sold or destroyed, provided that it is an essential ingredient of the product.<sup>23</sup>

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<sup>23</sup> In the third line of the items that may be kept (in the chart below) I included chometz that is less than a *kezayis* and is one sixtieth or less (less than one 1.66%) of the mixture. In the halachic status, I explained it is even permitted to eat such a mixture on Pesach, provided the mixture took place before Pesach. This may seem to contradict the sentence preceding the chart stating that it should be sold.

27. The incomplete list below may offer you some direction as to how to make the correct decision when deciding what you should get out of your possession for Pesach.

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However, a distinction needs to be drawn between a mixture that accidentally happened to take place before Pesach and one that was purposefully done in the normal course of making the product. The Mishnah Berurah (447:14) and Shulchan Aruch Horav (442:6) both explain that the general principle of *bitul beshishim* does not apply when the chometz is an essential ingredient in the normal manufacturing of the product. Since the chometz was purposefully put into the product and is essential, it will not become *batel*.

Hence, where I discuss a manufactured product, I wrote that it is forbidden to eat or possess on Pesach and in the chart, I wrote that if such a mixture happened accidentally before Pesach, the product may be kept and even eaten on Pesach.

Similarly, often the minute amount of chometz put into an item is non-essential and can become *batel beshishim* if manufactured before Pesach. For example, Lactaid milk has a small amount of chometz in it and so does regular milk (see Pesach list that discusses vitamin A and D which are added to milk sometimes is derived from chometz). However, since they are not essential ingredients to the milk, they are *batel* if they have been mixed into the milk before Pesach. On Pesach, chometz is never *batel*.

והנה הדין שכתבתי דאם נפל בטעות לפני פסח שהוא בטל אם הוא פחות מכזית ופחות מששים הוא מבואר ופשוט אמנם מה שכתבתי דאם אינו מעיקר המוצר ג"כ בטל אינו כ"כ ברור. דיש לעיין בזה ממשי"כ המ"ב סימן תמ"ז ס"ק י"ד וכ"כ הגר"י סימן תמ"ב סק"ו דאם ערבו במזיד אע"פ שיש ששים כנגדו, לא בטל כיון שדרך תיקון המאכל ע"י חמץ הרי הוא חשוב ואינו בטל בששים. והוסיף עוד דאם לא ביערו ועבר עליו הפסח אסור בהנאה. והעיר בשער הציון סימן תמ"ז ס"ק י"א דזה חידוש גדול כיון דלא קעבר בב"י מה"י ומ"מ נאסר בהנאה והוא יוצא מהכלל שכתב המ"ב בריש סימן תמ"ב. וא"כ אולי נימא דכיון דמערבים הוויטאמינים במזיד ע"פ חוקי המדינה הוי כדרכו בכך ולא יתבטל בששים. אמנם נראה דכוונת המ"ב וגר"י דדוקא בדבר שצריך החמץ כדי לעשותו ובלי החמץ לא יוכל לעשות המאכל שרוצים לעשות כגון מוֹרֶקֶס (שומן דגים) ששימין בו לחם קלוי. ואם אין שְׂמִים בו לחם אין זה מוריס. משא"כ בנדי"ד דרך משימין הוויטאמינים ע"פ חקי הממשלה או לצורך שיווק אבל גם אילו לא ישימו הוויטאמינים עדיין יהיה חלב, וע"כ נראה דאם נתערב החמץ קודם פסח בששים של חלב בטל, ולכן כתבתי דאפשר לקנות החלב לפני פסח ואז יהיה מותר לשתותו בפסח.

ועד"ז יש להתיר הרבה מוצרים בבית באכילה וכ"ש בשהייה, וא"צ למוכרם, כגון פירות וירקות קפואים או שימורים, וכן תבלינים כשיש בהם חשש חמץ באחד מהתוספות, מ"מ אינם עיקר המוצר ואינם נצרכים ובטלים בששים לפני הפסח.

- 27.1. A general rule of thumb is that if an item has numerous ingredients and you do not recognize all the items and how they are made, you should consume it before Pesach, sell it, give it away or destroy it. A food item that has a *hechsher* for Pesach from an observant supervisor who you do not recognize, although you may wish to act cautiously and avoid eating the item, nevertheless, you do not need to sell the item. This is also true for a Sefaradic *hechsher* that you may not recognize. It may be *kitniyos* and you should not consume the item on Pesach, but it seems reasonable to rely on the supervisor with regard to possession of chometz.
28. Since selling chometz can be a taxing, stressful responsibility, I recommend that after Purim you should start clearing your cupboards of their chometz and avoid buying chometz products indiscriminately assuming that you will just sell everything as Pesach approaches.
29. A consumer may be uncertain whether certain ingredients are *kitniyos*, chometz or neither. If the amount of the suspected chometz, is less than a *kezayis* and is less than  $1/60^{\text{th}}$  of the entire product (and is distributed equally throughout the product) then it will be *batel beshishim* and not only permitted to keep during Pesach but even permitted to eat on Pesach. The only exception to this rule is when the chometz which was purposefully added is an essential ingredient to the product.

30.

## Items that should be Sold

Item	Halachic Status
Barley	<i>Safek chometz</i> , (pearled raw and packaged may not be chometz)
Beer	<i>Chometz Gamur</i>
Bread	<i>Chometz Gamur</i>
Brown Sugar	<i>Safek Chometz</i>
Cake	<i>Chometz Gamur</i>
Cereal (if main ingredient is wheat, oats or barley)	<i>Chometz Gamur</i>
Chometz content more than a <i>kezayis</i> and can be eaten in less than four minutes	<i>Ta'aroves Chometz</i> <i>Issur Achiloh</i> and <i>bal yei'roeh</i>
Chometz content more than a kezayis that is not eaten within 4 minutes and the flavor is not spread throughout the mixture	<i>Ta'aroves chometz</i> <i>Bal yei'roeh</i>
Chometz content is less than a kezayis but greater than 1/60 <sup>th</sup> of product and flavor has spread throughout mixture e.g., possibly small box of Corn Flakes	<i>Ta'aroves chometz issur achiloh (ta'am ke'ikor)</i> and <i>issur shehiyoh</i> on Pesach
Chicken soup mix	<i>Safek Chometz</i>
Cookies	<i>Chometz Gamur</i>

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Flour	<i>Safek</i> Chometz, not always in contact with water even if bleached
Herbal tea	<i>Safek Chometz</i>
Ketchup	stabilizers, oil, dextrose, vinegar (possibly real chometz), flavorings
Mayonnaise	MSG from hydrolyzed protein (sometimes wheat, usually corn), oil, flavorings, sweeteners, vinegar (possibly chometz)
Noodles	<i>Chometz Gamur</i>
Oatmeal (Aveeno® skin care for bath)	<i>Chometz Gamur</i>
Powdered Sugar	May contain 3% of wheat starch
Pretzels	<i>Chometz Gamur</i>
Soy Sauce	<i>Safek Chometz</i>
Spaghetti	<i>Chometz Gamur</i>
Vanilla extract	<i>Safek chometz</i> (alcohol possibly from chometz)
Vinegar	<i>Safek Chometz</i>
Wheat gluten	<i>Chometz Gamur</i> (when unknown amount in product)
Wheat protein	<i>Chometz Gamur</i> (when unknown amount in product)



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Whiskey	<i>Chometz Gamur</i> often distilled from fermented mash of grains including barley, oats, and wheat <sup>24</sup>
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<sup>24</sup> Whiskies that should be sold are those that were kosher at the time the Jew bought them. Since the production of whiskey can take more than a year, if a Jew owned a whiskey company and never sold his Chometz before Pesach, then all his whiskey will forever be Chometz *sheovar olov haPesach* and *treif*. Examples of such are Kentucky Gentleman and Ten High. Some American whiskies are owned by gentiles and pose no problem to purchase, such as Jim Beam and Jack Daniels. See more about this in the After Pesach section.

31.

## Items that can be Kept

Items that can be Kept	Halachic Status
BHA	Sometimes from corn ( <i>kitniyos</i> )
BHT	Sometimes from corn ( <i>kitniyos</i> )
Chometz: less than 1/60 <sup>th</sup> of product and less than a <i>kezayis</i> total	<i>Batel</i> before Pesach and permissible to eat if not mixed purposefully and is not essential to product
Cosmetics	Inedible to animals and not chometz
Detergents	Inedible and not chometz
<i>Kitniyos</i>	Permissible to benefit from and to possess
Maltodextrin (carbohydrate made from corn starch)	<i>Kitniyos</i>
Mustard	<i>Kitniyos</i>
Plain roasted peanuts	Not <i>kitniyos</i> unless there is a specific custom. However, generally not used by Ashkenazim in Eretz Yisroel.
Popcorn	<i>Kitniyos</i>
Processed food on chometz ( <i>eino ben yomo</i> ) equipment before Pesach with no chometz content	<i>Batel</i> before Pesach. One should not plan to cook in such a fashion.

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Quinoa	Permissible to eat. Should not be processed on equipment used for Chometz
Rice	<i>Kitniyos</i>
Soda	May contain <i>kitniyos</i>
Soda Water	Not chometz or <i>kitniyos</i> , still it is advisable to eat and drink items that have a kosher for Pesach <i>hechsher</i> . See note under Seltzer.
Splenda®	Generally contains <i>kitniyos</i>
Sugar (Regular)	<i>Safele kitniyos</i> , may be from corn
Tea (instant)	May contain <i>kitniyos</i> sweetener
Tonic Water	<i>Kitniyos</i>
Unflavored medicinal pills, vitamins and tablets (non-chewable)	Inedible. An ill person ingests such pills for medical purposes only. Unflavored vitamins are also inedible and not chometz even if the ingredients are made of chometz. They too, are ingested for the medicinal effect and not as a food. There is a prevalent <i>chumro</i> to avoid ingesting these items anyway and it is praiseworthy to follow lists that have ascertained there are no chometz ingredients in the pills. However, unless the medication is

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	flavored, it is not halachically required to do so.
Yeast	Not Chometz or <i>kitniyos</i> and may be owned and one may benefit from it (e.g., by selling it) on Pesach. It should not be used for cooking. <sup>25</sup>

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<sup>25</sup> See section on Brewer's yeast and sourdough above. Regular yeast is neither and halachoh explicitly allows one to own and benefit from yeast collected from a plant-based source. It is only when yeast is collected from bread does the Torah explicitly ban it as se'or. Brewer's yeast also comes directly from one of the five grains and is forbidden. However, commercial yeast today does not come from the five grains.

While flour (of the five grains) which soaks in water for 18 minutes is chometz, it does not make for good bread. When I was ten years old, I prepared an experiment for the science fair in our day school exhibiting the differences between matzo, bread made without yeast and bread with yeast added. I learned that in order to make good bread one needs yeast. Yeast is the living microorganism which converts some of the flour into the carbon dioxide which fluffs-up the batter and causes it to rise. The air we breathe contains yeast. It is enough to make a batter of flour and water rise if you wait long enough even if no yeast is added because yeast from the air in the kitchen will find its way into the batter. A good baker doesn't want to wait hours for the dough to rise. Yeast is therefore added.

The most common method bakers used to use was to add sourdough. However, yeast from derived from a plant-based source also works.

### *Kitniyos*

32. *Kitniyos* is a general term which includes grains that grow in the proximity of chometz grains and select grains that can be cooked and baked in a fashion like chometz grains. Yet, no *kitniyos* are chometz. The term for the fermentation of barley, rye, oats, wheat, and spelt is “*chimutz*” the term given for fermentation of *kitniyos* is “*sirachon*”.
33. Sefaradim use *kitniyos* on Pesach because the Beis Yosef permits it while Ashkenazic Jewry follow the Ramo and do not permit eating *kitniyos* on Pesach.
34. Many reasons have been offered for the custom to refrain from eating *kitniyos*. The two main reasons are:
- 34.1. Due to a concern that chometz grains might get mixed among the *kitniyos* grains, creating an inadvertent, yet real chometz problem when the grains are cooked together and eaten. Many Sepharadim who eat *kitniyos* reduce this concern by checking the *kitniyos* grains three times to make sure no chometz grains are intermixed in the *kitniyos* and then permit *kitniyos* usage.
- 34.2. Were *kitniyos* products permitted, people might confuse *kitniyos* flours and chometz flour. This might result in the usage on Pesach of flour of the five grains that can become chometz.<sup>26</sup>

26

### מנהג אשכנזים שלא לאכול קטניות בפסח

א. בסימן תנ"ג ס"א מבואר דא"א לצאת יד"ח מצה בליל הסדר אלא בה' מיני דגן, ובקטניות אינו יכול לצאת יד"ח. ופסק שם המחבר דמותר לעשות מהם תבשיל דיש כלל דרך דברים הבאים לידי חימוץ אדם יוצא בהם יד"ח במצה יצאו אורז ודוחן שאין באים לידי חימוץ אלא לידי סרחון (פסחים לה.). והרמ"א שם אוסר, וז"ל והמנהג באשכנז להחמיר ואין לשנות עכ"ל.

ב. המקור הראשון לאיסור קטניות נמצא בסמ"ק (סימן רכ"ב) שנוהגין בו העולם איסור מימי חכמים קדמונים. והוא מפרש שאין לומר דטעם המנהג מחשש חימוץ דלא טעו בדבר שהתינוקות של בית רבן יודעים. אלא טעם המנהג משום גזירה דכיון דקטניות מעשה קדירה, ומידי דמידגן כמו חמשת מיני דגן, ויש שעושים מזה פת, לכן יש לחוש לאנשים שאינם בני תורה שיטעו ויחליפו במיני דגן. ואע"ג שמפורש בגמרא להיתר, מ"מ האידנא (נכתב במחצית הראשונה של המאה הראשונה באלף הששי) יש לגזור שאין דורות האחרונים בקיאים בהלכה. ודבריו גם הובאו במרדכי שהוא גיסו (פסחים פ"ב סימן תקפח). הב"י בסימן תנ"ג הביא דבריו והוא הוסיף הטעם שלפעמים תבואה מעורבת בו וא"א לבררו יפה, אולם מהטור נראה שדחה טעם זה ע"ש. והב"י מזכיר שהאשכנזים נוהגים בזה, וכן הוסיף הרמ"א בד"מ "ואנו בני האשכנזים נהגו להחמיר".

ג. בתרומת הדשן (קיג) מבסס שנתקבל המנהג לאסור קטניות (נפטר בק"כ) אלא שמבאר כמה חידושים, שיותר להשהות קטניות, ואין איסור משהו בקטניות.

ד. ובמ"ב סק"ו ובביה"ל שם הביא כמה טעמים, וזכיר ב' טעמים עקריים, ומהטעמים מבואר שהיתה גזירה אצל אשכנזים, ועכשיו נוהגים לקיים הגזירה הישנה.

ד. 1. גזירה שלא יטעו בני"א בין קטנית לקמח של ה' מיני דגן. שהרי יש מיני קטניות שטוחנים אותם ועושים מהם פת וכדומה, ואתי לאקולי בפת וקמח של ה' מיני דגן.

ד. 2. דילמא יש גרגירי חטה ושאר דגנים המחמיצים מעורבים בקטניות וכשיבשלם או יאפם אתי לידי חימוץ.

ה. והנה מדברי הסמ"ק עצמו משמע שהוקשה לו איך שייך מנהג לאסור דבר שמפורש בגמרא להיתירא, וע"ז תירץ דשאני עמי הארץ בזמנינו מדורות הקודמים. ובשו"ת בשמים ראש (סימן שמ"ח) שנכתב ע"י הזיפן שאול לוין, העיר ג"כ שאין לקבל מנהג שאין לו מקור בגמרא ואדרבה מבואר בגמרא להיתירא.

ה. 1. ובפר"ח (שנכתב ע"י ספרדי) הביא לכך מקור מהש"ס, והדברים ג"כ נכתבו ע"י הגר"א בריש תנ"ג. דבפסחים (מ:) מבאר דרבא הקפיד על שהתירו לתת קמח של שעורים בקדרה במקום יש עבדים שהם מזלזלים באיסור. ורבא בעצמו אכל את זה, אולם הקפיד על אחרים שעשו כן בפני ע"ה. ועיין בט"ז רס"ז בפירוש הגמרא דרבא אינו חולק על האוסרים בפני ע"ה. והגר"א הביא גמרא זו כמקור למנהגינו והוסיף דאם כך היה בזמנם, כ"ש בזמנינו. הרי דמנהג קטניות מבוסס מהגמרא לפי פירוש הר"י שם בתוס'.

ו. עיקר הגזירה כשנעשה דגן וקמח ובאו עליו מים, אבל אם לא נטחן ולא מידגן ולא באו עליו מים אין מקום לאסור, ומן הדין מותר לעשות מהם מצות ולנהוג בהם שימור דאין יגרע יותר מחטה עצמה. אמנם למעשה נהגו להחמיר גם בכה"ג כיון שיבאו לטעות. (עיין שו"ת מאמר מרדכי (סימן לב) דאסור לעשות מצות מתירס עם כל ההידורים של מצות, ואף שלכאורה י"ל דאין מקום לחשוש לאיחלופי, דגם אם יעשו כך בחטים יהיה כשר, אמנם יש לחוש דיעשו כן בתוך הפסח בתירס, וממילא יעשו מצות מחטה תוך הפסח. ח"א קכ"ז ס"א וח"ס סימן קכ"א התירו לטחון ולאפות קטניות כעין מצות ולאכול, רק דהח"ס הגביל את בכמה חידושים ע"ש. ע"ע

בשוי"מ ח"א סי' קע"ה וח"ב סימן קכ"ח וע"ע בכה"ח סק"ח. ובבאר יצחק סימן י"א התיר לאחר שמבררם וטוחנם לשם פסח מותר לאפותן וא"צ ליהרר כמו במצת חטין דס"ל דכשיש מעשה המוכיח אין מקום לגזירה).

ז. הרב קוק זצ"ל בימי רבנותו ביפו התיר שמן שומשמן כשהשומשין נשמרו מכל נגיעה במים, ופעולת המכונה כזאת שא"א לעבוד אלא ביובש דוקא. הרי אם שומרים שומשמן ממים אפשר לעשות מהם מצות לדעת הח"א ודעימיה, וא"כ לכאורה יהיה מותר לעשות שמן ממנו. ומ"מ היתה תגובה מהבד"צ בירושלים נגד היתר זה. והשיב רב קוק לבד"צ בתשובה ארוכה לבסס שיטתו.

ח. הרמ"א פסק דמותר להשהות ומותר בהנאה ומאכיל לבהמות אף שנפלו עליו מים. (עלה"ד ק"יג).

ט. וה"ה אם נפל לתוך תבשיל בטל ברוב (עמ"ב סק"ט) ועיין ציון 19. אם יש כלי שכשר לפסח אלא נשתמשו בו לקטניות והוא ודאי אב"י (או אפילו סתם כלי ואינו ידוע אם הוא ב"י שדינו כאב"י גם לעני"ז עפ"י תצ"ו סק"ב), ונטל"פ מקטניות, שרי לבשל בו מאכל פסח. אולם אם הוא ב"י אסור לכתחילה לבשל בו (ואפילו לפני פסח איכא איסור לבטל קטניות וטעם קטניות לכתחילה). אבל אם בשלו בו מותר בדיעבד לאוכלו אא"כ ניכר הקטניות דאז צריך להוציאו. ולכן מותר לאכול אצל ספרדים בפסח כשמאכילים מאכלי אשכנזים.

י. והנה במ"ב תנ"ג סק"א הביא מהד"מ שאין צריך לדקדק לתלות הנר של שמן במקום רחוק מן השלחן משום חששא שמא ינטף על המאכל, דאפילו נטף אין לאסור עכ"ל. ומשמע שאסור לאכול השמן אף שאינו כדגן ואין שם גרגירי חטה, מ"מ לא פלוג, ומה"ט שמן סויה, שומשום וחמניות (וי"א אף שמן בוטנים ע' אג"מ) אסור, וכן י"ש מקטניות אסור אף דל"ש הטעמים שנוכרו לעיל. וכן מבואר מתה"ד סימן ק"יג.

יא. והיה נראה לאסור שמן המופק ממין קטניות אף אם זרע הקטנית אינו מידגן, ולא עושים ממנו קמח ולא נתערב בו מה' מיני דגן, מ"מ כל שהוא בכלל שם קטנית הוא ושמנו בכלל הגזירה.

יב. אולם יש דברים שאינם קטניות, ומ"מ כיון דהם מידי דמידגן וגידולן בשרביטין כקטניות, נהוג בהם איסור כדין קטניות, כגון חרדל. ולא רק אותם זרעונים אסורים כמנהג איסור קטניות, אלא אף שמן המופק מהם.

יג. אמנם, זרעונים שאינם ממין קטניות, וגם אין עושים מהזרע קמח ולא מתערב בהם ה' מיני דגן אלא טוחנים אותם ועושים מהם שמן, בזה נחלקו האחרונים אם שייך בהם מנהג איסור קטניות כיון דמידגן (זרעונים שטוחנים) א"ד נימא כיון דלא שייך לאיחלופי בקמח ה' מיני דגן אינו בכלל הגזירה.

### Cottonseed Oil

יג.1. **שמן כותנה** הוא דוגמא לכך שאין עושין מהפשתן קמח ולא פת, ולא נתערב ה' מיני דגן בפשתן, ורק טוחנים הפשתן להפיק שמן. הגר"א במעשה רב החמיר וכ"ה בשו"ת מהרי"ל סכ"ה ובמרחשת סימן ב'. אמנם הרבה הקילו בזה, שו"ת מהרש"ם ח"א סימן

35. It is recommended that the following items should be considered *kitniyos* unless a family has a specific custom otherwise:

- 35.1. Anise, ascorbic acid, aspartame, beans (all types of beans e.g., kidney, lima, garbanzo), bean sprouts, BHA and BHT (in corn oil), black-eyed peas, buckwheat, calcium ascorbate, canola (rapeseed) oil,<sup>27</sup>

קפ"ג, והביא דכ"ד הט"ז ומנחת פתים וע"ע במקראי קדש ח"ב ס"ס, ומנחת יצחק ח"ד סימן קיד: ג. (אולם יעויין בשו"ת מהרש"ם ח"ט או"ח סימן כ"ח שסייג דבריו מש"כ בסימן קפ"ג דרך במקום שנהגו להקל, ובהפ"מ וצורך גדול).

יג. 2. ואף שבא"י נהגו הרבה להחמיר בזה, לענ"ד לא נעשה מזה מנהג המקום, דהרבה קהילות יש בא"י כל אחד לפי מנהגו. ובפרט שהרב צבי פסח פראנק התיר וכן ר' חיים התיר, ודאי דאיכא קהילות בא"י שגם מקילים, ולכן נראה דמדינא יש להקל בזה. אולם צריך לשקול ההשלכות החברתיות, כגון אם מעונין להזמין אורחים שמקפידים בזה יתכן שלא יסכימו להתארח אצלך אם תחליט להקל בכך. ע"ע ציון 27, 39 וציון 41.

יד. הביקורת הכי טובה שראיתי נגד מנהג הקטניות, לדעתי נמצא בדברי המור וקציעה סימן תנ"ג שהעיד בשם אביו החכם צבי, שבכל חג המצות היה מצטער על מנהג הקטניות ומתרעם ואומר אי איישר חילי אבטליניה למנהג גרוע הלזו שהוא חומרא דאתיא לידי קולא שמתוך כך מוכרחים לאפות מצות הרבה ואינם נוהרים בעשייתם. ומסיים והלואי שיסכימו עמי גדולי הדור. אולם הגדולים לא הסכימו, ואדרבה, נתנו תוקף וחוזק למנהג (עיין ח"ס או"ח קכ"ב, מצח צדק או"ח נו, שו"ת מאמר מרדכי סימן לב ובשע"ת סק"א).

טו. מנהג איסור קטניות נוהג גם בערב פסח מחצות ומעלה.

טו. 1. מקור הדברים מחק יעקב תע"א סק"ב וכן מוכח מכל הפוסקים שהתירו לאכול פירות וירקות ולא הזכירו לאכול קטניות. ואף שבפמ"ג תמ"ד סק"א כתב להתיר מזה הנאפית מקטניות בער"פ, בשו"ת מהרש"ם ח"א סימן קכ"ג מסביר שהפמ"ג מתיר בפסח עצמו דפת קטניות לא גרע ממצה וכדעת החי"א והח"ס. ומה שהזכיר ערב פסח לאורוי דלית בזה משום איסור אכילת מצה.

טו. 2. ונראה דאם יש שעת הדחק (כגון בערב פסח שחל בשבת ואין לילדים מה לאכול לסעודה שלישית), יש להקל לתת להם קטניות. אולם מן הראוי לארגן אוכל עבורם שאינו חמץ, מצה או קטניות ולא לסמוך על שעת הדחק ורעבון בני הבית.

<sup>27</sup>

### Canola Oil

1. Canola (an acronym for Canadian Oil, Low Acid) oil was first approved for food use in the United States in 1985 and there are those who considered canola oil a new item similar to quinoa and potatoes, which are not included in the minhag of *kitniyos*.



However, canola oil is actually rapeseed oil (a.k.a. colza oil) which has been used for centuries in Europe. Canola oil is a modern version of rapeseed oil designed to have less erucic acid, a suspected cause of heart disease, and therefore only this better variation of rapeseed oil is approved for food use in the USA. Therefore, comparing canola oil to potatoes and quinoa is not an acceptable reason to permit its use on Pesach.

2. Another argument to permit the usage of canola oil on Pesach is to compare it to cottonseed oil discussed in the previous note in Hebrew. Even if the rapeseeds were ground to a flour and then pressed for their oil, if it were also true that:
  - 2.1. canola is not a legume
  - 2.2. rapeseed is not ground to flour to be used for baking or cooking and
  - 2.3. rapeseed does not grow in the vicinity of the five types of grain,then canola oil may be permissible to use on Pesach due to the same halachic reasoning applied to cottonseed oil discussed below (see note [26](#) and [41](#)).
3. The Maharsham (vol. 1:183) describes the rapeseed oil process. The seeds are first ground into a thick paste or flour. It is then heated and stirred over a fire. Afterwards it is pressed and canola oil is produced. The grinding of the rapeseed is only done to get the canola oil; not for cooking or baking with its flour.
4. The Avnei Nezer forbids rapeseed oil on Pesach as *kitniyos* (373 and 533), while the Maharsham has a more tolerant position regarding rapeseed oil. He concludes his halachic analysis by stating that he does not wish to permit something if the local population forbids it, however, if there are people who use it on Pesach, their behavior should not be protested.
5. It is possible that their dispute regarding rapeseed oil follows along the same arguments and the two opinions found regarding cottonseed oil. Thus, if we conclude that cottonseed oil is permissible, then canola oil should also be permitted.
6. However, the circumstances involved in the production of canola oil may be significantly different than those involved in cottonseed oil. It is noteworthy that the Avnei Nezer (373) explains that rapeseeds often grow near wheat or oats. This is not true regarding cotton. The first reason mentioned above for the custom to prohibit *kitniyos* might apply to canola oil even though it is inapplicable to cottonseed oil. The Avnei Nezer himself does not consider this position. He maintains that were other grains mixed in to the rapeseeds, they would become *batel* if the oil was prepared before Pesach. The reason the Avnei Nezer forbids rapeseed oil is because he compares

rapeseeds to mustard. Once mustard or rapeseeds are forbidden, any derivatives of them are also forbidden. It would thus seem that the Avnei Nezer would also forbid cottonseed oil as being similar to mustard and included in the *gezzeiroh* of *kitniyos*.

7. However, even those who might argue that canola isn't *kitniyos* and should not be compared to mustard (because mustard is ground and used as a food additive in its ground form whereas ground rapeseeds are never used as a food item in such a form), would agree that all the oats (and grains) must be removed before the oil is extracted from the canola such as with aniseed and coriander. These two (anise and coriander) are technically not *kitniyos* but are treated as *kitniyos* until *acharon shel Pesach* (see note 29). Canola oil may have that status and thus one level more stringent than cottonseed oil according to all opinions.
8. Admittedly, there is room to distinguish between anise and coriander and between canola seeds. Anise and coriander are seeds that are eaten themselves and might have other grains mixed in whereas rapeseeds although they may have other grains mixed in the rapeseeds, still, the rapeseeds are only ground for its oil and not as a food. Still, it does not seem to this writer that that should make a difference. If there are other grains that could become chometz, then when pressing the rapeseeds and grains that might be chometz, some of the oil may be a derivative of the chometz. So, if the Ramo finds it necessary to forbid anise and coriander without examining the seeds for other grains, he would likely have done so for rapeseeds that are pressed for their oil.
9. Thus, based on the Ramo's hesitation regarding anise and coriander, it would seem that Ashkenazim should refrain from using canola oil during Pesach even if they use cottonseed oil. However, if the process can be supervised enough to ensure that no grains are in the rapeseeds and all of the five types of grains are removed from the rapeseeds; it would seem that canola oil should be permissible on Pesach even for Ashkenazim no less than cottonseed oil.
10. In other words, to permit canola oil, there are two leniencies that need be applied.
  - 10.1. Seeds which are ground but not used as a food item in that state but are only edible when pressed for their oil are permissible on Pesach (e.g., cottonseed oil)
  - 10.2. There is no *gezzeiroh* on anise and coriander, since these seeds often have other grains mixed in, one should be careful when using them. Should one be certain that there are no foreign grains in them, they are permissible.
11. Both of these points can be challenged.

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- 11.1. It is possible that the *gezairoh* and custom of *kitniyos* extends even to oils produced from ground cotton. It seems that the Vilna Gaon took that position.
- 11.2. It is also possible that the *gezairoh* of legumes which might have other grains mixed in applies equally to certain seeds which might have other grains mixed in. Even if one were to remove all foreign grains, it is possible that there is a custom to avoid eating those seeds that sometimes have other grains mixed in despite that great care may have been taken to remove any other grains.
12. Therefore, until both leniencies can be verified, I recommend using one of the prevalent oils (walnut, palm, or coconut oil) found in Ashkenazi neighborhoods during the pre-Pesach period. (Palm oil is also available and less expensive, but my wife informs me that it is not as healthy as walnut oil.)
13. In places like the RSA in which kosher for Pesach are not easily available, one may use cottonseed oil. If that is not available, one may use canola oil. However, one should not use sunflower oil unless there is a famine, or there is great poverty and a temporary leniency on *kitniyos* and its oils would likely offer significant relief. Sunflowers are eaten themselves and are included in the custom/decreed; hence their oils are forbidden. Rapeseeds and cotton seeds are never consumed. Furthermore, sunflowers are ground into a flour today and prepared as a bread. Coconut, palm, cottonseed and olive oil are available this year, 5781 in RSA.
14. If someone inadvertently used canola oil while cooking, thinking that it was permissible to use, the food may be eaten. As stated above, canola oil is likely halachically equivalent to cottonseed oil if no grains were mixed in. And even if canola oil is considered *kitniyos*, the food is kosher for Pesach provided that the majority of the dish is not oil and the oil cannot be easily separated from the dish. See note 19 and 41.
15. בארץ ישראל לפעמים מופיע על מוצרים לאוכלי לפתית, והכוונה הוא לאוכלי שמן קנולה. ונראה דכשיש צורך יש להקל אמנם לכתחילה כשאפשר מן הראוי לחפש מוצר חילופי שאין בו לפתית.

caraway, citric acid (*sometimes chometz*),<sup>28</sup> chickpeas, coriander,<sup>29</sup> corn (including popcorn) and corn oil, corn syrup, cumin,<sup>30</sup> dextrose,

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<sup>28</sup> In the U.S., citric acid is produced from corn syrup. Citric acid undergoes a significant process transforming it from corn syrup to a new product far removed from being recognizably corn syrup. The Rosh in Berachos (6:35) presents Rabbeinu Yonah's view that once an item has significantly changed and is unrecognizable from its origin, the laws of kashrus should consider its *present* status. Thus, Rabbeinu Yonah permits musk consumption despite its origin from a non-kosher species. The Rosh disagrees with Rabbeinu Yonah and prohibits consuming musk since it is derived from a non-kosher animal. Since the issue of consuming *kitniyos* is a *minhag* (custom), one may rely on a lenient opinion. Thus, anyone who is lenient regarding "*kitniyos*" chemically derived from a *kitniyos* item should not be criticized.

Citric acid produced in Europe is usually derived from wheat. The Rosh and Rabbeinu Yonah probably disagree regarding a food product derived from wheat as well. However, since consumption and even ownership of chometz is a *de'oreiso* concern, one should avoid relying on Rabbeinu Yonah and sell citric acid to a gentile before Pesach. Lentils imported to Israel have been found to contain a coating of citric acid derived from wheat. The Rabbanut has issued a warning this year that even Sephardim should not consume red lentils for Pesach as it is to be treated as chometz unless it has a special *hashgochah* as kosher for Pesach.

<sup>29</sup> יתכן שהוא אליינדר המוזכר ברמ"א סימן תנ"ג ס"א. הרמ"א כתב דאינו קטניות אבל המ"ב כתב דטוב להחמיר כיון דמעורב בו חמץ, ויש להקל ביו"ט אחרון של פסח.

כוסברה הוא coriander ואין להשתמש בכוסברה טחון בפסח, ואפילו ספרדים, מאחר שהיום בארץ יש בו תערובת של מיני דגן שיתחמץ. לכן לא קיים כוסברה וחילבה (fenugreek) כשרים לפסח בארץ. היום יש מפעלים גדולים שהשקיעו בכלים מיוחדים להוציא כל גוף זר ולכן ישנה הכשרים היום שמאשרים אליינדר.

The Mishneh Berurah recommends avoiding aniseed and coriander seeds because other grains which could become chometz are often mixed in. Reliable *bechsherim* in the U.S. certify aniseed and coriander for Pesach since some high-end spice companies use special equipment such as spiral separators to remove foreign particles. Therefore, you may use these items for Pesach when accompanied with a reliable *bechsher*.

<sup>30</sup> See list below. Cumin imported from the Far East may have traces of wheat and oats. Even Sefaradim can only use cumin on Pesach with a reliable *bechsher*.

emulsifiers, fennel, fenugreek,<sup>31</sup> flavors (*may also be chometz*), flax seeds, glucose (*may be from wheat and chometz* unless you are certain that it was manufactured in the U.S. where maize is used), green beans, guar gum, hydrolyzed vegetable oil, kasha, kimmel, lecithin (*all commercially produced lecithin is made from soy*), lentils,<sup>32</sup> licorice, lucerne, lupine, maltodextrin (*sometimes chometz*), millet, MSG (*can be from beets [kosher for Pesach], corn [kitniyos], or wheat [chometz]*), mustard and mustard flour, NutraSweet, peanuts,<sup>33</sup> peas, polysorbates (*sometimes chometz*), popcorn,

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<sup>31</sup> חילבה in Hebrew. Ground fenugreek should not be bought or cooked at all during Pesach since it has wheat mixed in. Only when the item is bought whole and the consumer themselves ground it and is sure that it has no chometz in it may Sefaradim use it.

<sup>32</sup> Most of the red lentils imported to Israel this year should be treated as chometz unless there is specific mention that they are kosher for Pesach. Red lentils are treated with vegetable oil and citric acid derived from chometz. See citric acid.

<sup>33</sup> Technically, peanuts are not considered *kitniyos* and may be consumed on Pesach unless a family has a specific custom not to consume peanuts on Pesach. Similarly, peanut oil is acceptable unless there is a clear custom otherwise (Igros Moshe O.C. 3:63). In Eretz Yisroel there are many who do not use peanuts or its oil. This is a common custom in many communities but goes beyond the lines of halochah. Using peanut oil on Pesach may have social implications that may make life uncomfortable, but it is permitted. Often, the wise thing to do is also take into account the negative impact of a halachically acceptable practice. Guests may be reluctant to join you for meals were they to know that you added peanut oil to the food you prepared for them. Halachically, however, it is acceptable to use. It is relatively easy to make or purchase plain peanut butter by grinding roasted peanuts. In my experience, it is uncommon to see peanut butter commonly used on Pesach in Ashkenazic communities. It seems that many communities do refrain from peanuts and its derivatives. Still, for those that do not have a clear custom to include peanuts with other types of *kitniyos*, it is permissible to use. The inclusion above of peanuts in the group of *kitniyos* is in deference to the vast majority of Ashkenazim who do not use peanuts and a recommendation to be inclusive of your guest list and avoid creating uncomfortable situations.

poppy seeds, rice,<sup>34</sup> saffron,<sup>35</sup> sesame seeds, snow peas, sodium citrate, sodium erythorbate, sorbitan, sorbitol (*could be chometz unless manufactured in the U.S.A.*), soybeans and soy oil,<sup>36</sup> stabilizers, starch (possibly chometz), string beans, sunflower seeds, sunflower oil,<sup>37</sup> tofu, vitamin C (could be chometz), xanthan gum (may be chometz).

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<sup>34</sup> Rice and soymilk sometimes contain chometz. It is necessary to have a proper *hechsber* on these items when used for small children and sick people.

<sup>35</sup> זעפרן או כרכום in Hebrew. Ground saffron may have chometz mixed in and is thus not to be used on Pesach by anyone, see Ramo 467:8 and M.B. 467:8. Whole saffron (brown strings) may be used by Sefaradim.

<sup>36</sup> Some kosher for Pesach olive oils are not entirely made of olive oil. They may have soy oil purposely mixed in and should be treated as *kitniyos* despite a bona fide *hechsber* that it is kosher for Pesach. These can be detected by their low price. Olive oils are often produced with counterfeit *hechsberim* for Pesach and all year-round usage. One needs to be vigilant to only purchase olive oil from large reputable companies.

<sup>37</sup> Sunflower oil should be categorized with soy and corn oil and not used on Pesach as any other *kitniyos*. Nowadays sunflowers are ground and used as flour and butter. There are commercial companies that grind sunflowers to make sunflower butter (similar to peanut butter). Many people grind sunflowers in coffee makers to make a flour to use as a non-gluten substitute to make bread and other baked foods. (Surprised? Do a simple Google search for sunflower flour and sunflower butter). Sunflowers are edible and can grow in areas that have other grains. There is a distinct possibility that grains may get mixed into the sunflowers and consumed. Sunflowers have all the characteristics of *kitniyos* items that have been forbidden and the standard reasons to prohibit *kitniyos* and their oils are applicable. Oils from *kitniyos* are also forbidden as mentioned earlier in the section dealing with oils, and the source for this is Rav Moshe Isserles in the Ramo (the authority on Jewish Ashkenazic customs) who implies that *kitniyos* oils may be benefited from but not consumed. There are some oils for which there is basis for leniency such as cottonseed and canola oils. The reasons for the leniency for these items is explained in a special section but are not relevant to sunflower oil.

אמנם בשו"ת בית שערס או"ח סימן רט"ו דן להתיר שמן חמניות, אולם כל דבריו מבוססים על המציאות בימיו, וכפי הנראה הדברים השתנו מאז.

עוד שמעתי בדרום אפריקה שטענו שיש מנהג להקל בזה, ואין לאסרו. ולזה יש להשיב דאין בזה גדר מנהג לעשות משהו אלא יכול להיות ראייה שלא נאסר שמן חמניות, אבל אין בזה מצוה או שיטה

36. Quinoa is not *kitniyos* and may be eaten on Pesach.<sup>38</sup> (While there are opinions that consider quinoa *kitniyos*, it is the opinion of this author that this food item should not be considered *kitniyos*.)<sup>39</sup>

37. Flax seeds and hemp seeds are technically not *kitniyos*.<sup>40</sup> However since they can be ground as flour, some opinions include them in the category

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בהלכה שיש דוקא להשתמש בזה, והלשון מנהג לכך הוא מוטעת. הרב יוסף זלצר שליט"א יבלחט"א מפרסם בשם אביו הרב יעקב זלצר ז"ל שנתן הוראה להתיר שימוש בפסח. והנלע"ד כתבתי והוריתי. ועוד, לא ידוע לי מדוע התיר הרב יעקב זלצר ז"ל. יתכן שהיה מצב קשה ולא היה אפשר לעמוד בכך שלא להתיר שמן חמניות, ואולי היה חשש של איסור חמור יותר או רעב, ובכח"ג נראה דכו"ע היו מתירים, ואין מזה ראיה להיום. ומבלי ידיעה ברורה שהיתה היתר מאדם גדול ומדוע, לא נראה לי שיש לסמוך על הנהגת הציבור, להתיר אף בזמן שאפשר לקנות שמנים אחרים. שנה זה 5781 עם כל הקשיים הידועים, עדיין אפשר להשיג שמנים שאין בהם פקפוק, ולדעתי יש להטריח ולהקפיד שלא להשתמש בשמן חמניות.

ועיין בחיי אדם שהורה שבשעת הדחק שאין לאדם מה לאכול אלא בדוחק גדול מותר לבשל קטניות ושאר דברים וע"ש בנשמת אדם סימן כ'. ולכן אם באמת יכביד המצב ואין להשיג שמן שאין בו פקפוק, ודאי שמותר להשתמש בכל השמנים של קטניות, ושמן חמניות בכללם.

<sup>38</sup> Whole seeds should be bought before Pesach and checked for other grains. Quinoa flour should only be bought with a reliable *hechscher* for Pesach since it may have been ground on machines that process grains and not cleaned properly before grinding the quinoa.

<sup>39</sup> The reasons are:

1. Quinoa is not even remotely related to the five grains.
2. It is also not a legume and not botanically related to peas or beans which are of the original species of *kitniyos* included in the custom.
3. It was not around at the time the custom of *kitniyos* began.
4. Quinoa has been tested to see if it would rise, yet instead, it decayed.
5. In today's environment of processed foods, the customs of *kitniyos* are not relevant anymore. Noodles and cakes are made kosher for Pesach and seem like chometz. While it may be difficult to change habits regarding food items that have been treated as forbidden on Pesach, still, new items should not be prejudiced because they have similarities to *kitniyos*. See note 41.

Still, quinoa is processed in the same facilities where other grains are processed. Therefore, quinoa can be processed for Pesach only under special reliable Pesach supervision.

<sup>40</sup> עיין רמב"ם ספ"א מכלאים דפשתן אינו בכלל קטניות.



of *kitniyos*.<sup>41</sup> On such matters, one should follow the custom of his/her family. In the absence of a clear custom, one may use such "*kitniyos*" (e.g., cottonseed oil).<sup>42</sup>

<sup>41</sup> עיין נדרים נה. לענין הנודר מן הדגן שכל זרעים בכלל, וכיון דבכלל גזירת קטניות י"ל דנכלל כל מיני דמידגן ה"ה דפשתן בכלל הגזירה. וכ"כ בשו"ת מהרי"ל סימן כ"ה טעם לאסור זרע קנבוס דלפי הסמ"ק יש לאסור כל דמידגן כמו חרדל ור"ל אף שאינו בכלל קטניות, וכ"כ בבית שלמה יו"ד סימן קע"ז דאף דפשתן אינו בכלל קטניות כיון דקי"ל כסמ"ק דכל מיני דמידגן אסור ה"ה פשתן, וכ"ה בתה"ד סימן קי"ג.

ובא המרחשת סימן ב' ואסר שמן הבא מזרעונין הללו שאסורים משום שהם מיני דמידגן אף שאינם ממש קטניות. וע"ע במנח"י ח"ג סימן קל"ח ובח"ד סימן קי"ד ג, דקודם אסר שמן כותנה ואח"כ הביא מהרש"ם (ח"א קפ"ג), ט"ז ומנחת פתים דשרי ולא הוי בכלל קטניות, ונשאר בצ"ע להלכה. ולכן נראה דיש להקל במנהג זו וע"ע באג"מ ח"ג או"ח סימן ס"ג בכללים של מנהג קטניות. ובאמת בצעירותי בארה"ב נהגו העולם להשתמש בשמן כותנה (cottonseed oil), ובא"י הרבה אין משתמשים. אמנם קשה לומר דהקובע דירתו בא"י צריך לנהוג במנהג המקום ולאסור שמן כותנה כיון דאיכא הרבה קהילות בא"י וכ"א נהגו כפי מנהגו, ועוד שגם בא"י איכא רבנים גדולים שהתירו והקילו בזה. הרב צבי פסח פראנק והרב חיים סאלאוויצק התירו שמן כותנה, ובודאי היו בעבר, וכן היום עדיין נוהגים היתר בזה בא"י.

אמנם אפשר דעצה טובה הוא להקפיד בזה אם רוצה להזמין אורחים שמקפידים בזה לסעודות יו"ט, ועוד במעש"ר נראה דהקפיד בזה.

Cottonseed oil falls in the category (of flax seeds) as the cotton itself is not edible and there is no concern of chometz grains getting mixed into the oil and there is no concern of people permitting ground wheat flour (see below). Nevertheless, since the cotton can be ground as one grinds other grains, there are those that refrain from using cottonseed oil on Pesach.

This is important to be aware of, although one may use cottonseed oil on Pesach, such conduct might limit your guest list. Certain guests might avoid eating such oils and refuse your hospitality. However, should the oil be in a dish and unrecognizable as oil, the dish would be permitted to all provided there is a majority of other ingredients in the dish.

If, however, the dish was made with cottonseed oil specifically for the person who does not use cottonseed oil on Pesach, that person should not eat that dish (see Shulchan Aruch Horav end of *siman* 464)

עיין רמ"א ר"ס תנ"ג משמע שאם יש רוב היתר שרי, וכ"כ בפר"ח שם. ובחק יעקב כתב דכן עיקר כיון שבלא"ה היא חומרא והרחקה בעלמא, ובא"ר ג"כ כתב דצריך רוב היתר וכ"כ החי"א והגר"ז



38. *Kitniyos* may not be eaten from *chatzot erev Pesach* until after Pesach, however, one may own and even benefit from *kitniyos* throughout Pesach. Thus, it is not necessary to sell or destroy *kitniyos* before Pesach. For example, one may use *kitniyos* for pet food (like millet for pet birds) and keep soft drinks in the house stored in a cabinet. Many sodas have corn syrup in them and should not be used on Pesach but can remain in one's storage area. (It is advisable to have it stored in a place where it won't accidentally get used on Pesach.)

### Medications and *Kitniyos*

39. It is important to note that in case of medications, *kitniyos* restrictions are not applicable, and pills that have corn starch binders would be permissible for medicinal purposes.

### Infants and *Kitniyos*

40. Baby formulas often have *kitniyos* in them and you may feed infants *kitniyos* formula just as a sick person may eat *kitniyos*.<sup>43</sup> In Eretz Yisroel, however, Materna baby formula has a kosher LePesach production and you should try using that before relying on a *kitniyos* product. Sometimes this is

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ובמ"ב סק"ט. אולם בח"א הוסיף דאם ניכר הקטניות יטול גרעיני הקטניות ויזרוק ויאכל שאר המאכל. עיין לעיל ציון 19 וגם ציון 26.

<sup>42</sup> Other exceptions to the rule of items that can be ground and used for cooking or baking include potatoes and coffee. Although they are not classical *kitniyos* or legumes, they can be ground and used like flour. Still, since historically these items never were included in any enactment or custom to treat as *kitniyos*, they have slipped through and are permitted. It is likely that part of the reason they were never included in a custom is because they were staples and they were introduced to Europe after the main legislation was made regarding *kitniyos*. Peanuts and peanut oil may also be used. Technically and halachically it is similar to potato starch. See note 33.

<sup>43</sup> However, rice and soymilk sometimes contain chometz ingredients and need a *hechsher*.

available abroad. If you are traveling, try to take the kosher lePesach formula along with you to your place of destination so that you don't have a problem obtaining it there.

41. These are the principles of *kitniyos* that have become custom in Ashkenazi communities. Adhering to these principles should be viewed as a halachic requirement.<sup>44</sup>

42. **For a *ben Eretz Yisroel*:** When the last day of Pesach is a Friday and an *eruv tavshilin* was made on Thursday, it is permitted to cook *kitniyos* on Friday for use on Shabbos (since Shabbos is not Pesach) in pots that are kosher for Pesach. (In *chutz laaretz*, when Yom Tov is Friday, Shabbos is also Yom Tov and *kitniyos* are forbidden on Shabbos as well.)

### Items That are not *Kitniyos*

43. These items are not *kitniyos* and may be used on Pesach even for Ashkenazim: Bay leaves, chia seeds, quinoa, peppercorns and psyllium husk.

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<sup>44</sup> My rebbi, Horav Shlomo Fisher, however, believes it is time for the custom of *kitniyos* to pass as the rules have become inconsistent and contradictory. Food items such as potatoes are permitted, and potato starch is used to make cake-like foods for Pesach. One of the major concerns about using *kitniyos* on Pesach was that one can make chometz-like foods with *kitniyos* and one may confuse them with real chometz and its products. Hence, in today's industrialized world the basis for proscribing *kitniyos* has been neutralized. Therefore, in his opinion, the minhag of *kitniyos* should discontinue. Moreover, he believes that there is not enough footing to justify the minhag of *kitniyos* and even the Ramo would not have forbidden it under the circumstances today. This novel approach may be considered when extenuating circumstances arise involving *kitniyos* or when deciding whether a certain item should be considered *kitniyos* such as quinoa.

## דיני קטניות לחולה

א. חושאב"ס שנצרך לתבשיל קטניות, מותר לאכלן.<sup>45</sup> ונכון כשמבשלים אותם לחולה, להכניסם לקדירה כשהמים כבר רותחים.<sup>46</sup>

ב. ואם בישל קטניות בכליו של פסח לצורך חולה (או לקטן הנצרך לכך או לספרד), יכול לבשל באותם כלים לאחר מעלי"ע לאלה שאינם אוכלים קטניות.<sup>47</sup>

ג. ואם נתבשל אוכל בכלים שודאי יש בהם טעם קטניות ב"י, כגון שידוע שתוך מעלי"ע בישל בהם קטניות, מ"מ לא נאסר התבשיל בדיעבד,<sup>48</sup> דקטניות בפסח בטילים ברוב כמש"כ הרמ"א תנ"ג ס"א, ובודאי איכא רוב בתבשיל כנגד טעם הקטניות הנפלט מהקדירה לאוכל.<sup>49</sup>

ד. אבל אסור **לכתחילה** לבשל בקדירה שיש בו טעם קטניות ב"י.<sup>50</sup>

ה. ולכן נראה דאורח אשכנזי שמתארח אצל ספרדים, אע"פ דאסור לו לאכול מאכלי קטניות, מ"מ מותר לו לאכול מה שנתבשל בכלים ב"י של קטניות או ד"ח

<sup>45</sup> מ"ב תנ"ג סק"ז. ואם הוא חושאב"ס ואין בו צורך לקטניות, אסור לו לאכלם, כן מבואר מלשון המ"ב שם, עיין ציון 7 ושאלה שכיחה הנמצא לקמן 146.

<sup>46</sup> מ"ב שם בשם הח"ס בתשובה סימן קכ"ב דאפילו במקום שיש להתיר מ"מ יחלטנו לכתחילה ברותחין דכל מה דאפשר לתקן מתקנינן וכ"כ בח"א עכ"ל.

<sup>47</sup> כ"כ בכה"ח סימן תנ"ג ס"ק כ"ז בשם אחרונים וביניהם הפרי"ח תצ"ו ס"ק כ"ד.

<sup>48</sup> כלומר לאחר שכבר נתבשל מותר לכתחילה לאוכלו.

<sup>49</sup> ובמ"ב תנ"ג סק"ח כתב דאם ניכר ורואין גרגרין של קטניות צריך לזרקן. אבל בנד"ד דמיירי לענין טעמא בלבד, בטל ברוב, כמש"כ במ"ב שם סק"ט. וע"ע בבאר יצחק סי"א דא"צ אלא משהו בהיתר יותר מהקטניות. וגם הח"י ס"ל דסגי ברוב והוסיף טעם דבלא"ה היא חומרא והרחקה בעלמא, וכ"ד הח"א והגר"ז. אולם בפמ"ג א"א תס"ד סק"א מדייק מלשון התה"ד סימן קי"ג דקטניות אוסרים בששים, ונ"ל דלא קי"ל הכי.

<sup>50</sup> עמ"ב תס"ד סק"ו דמיקל אם נפל חרדל לתבשיל אינו אוסר אבל משמע דאסור לבטלו בידים. וכ"כ בחק יעקב ס"ס תס"ד. ובגר"ז שם כתב דאם בישל בקדירה ב"י של קטניות במזיד התבשיל אסור באכילה. וע"ע באבני"ז סימן שע"ג.

בכלים אב"י, דהרי בשלו בעיקר בשביל עצמם, ואע"פ שהוסיפו בשבילו מ"מ לא ערבו  
טעם הקטניות במזיד בשבילו. וטעם הקטניות נתבטל ברוב המאכל שאיננו קטניות.<sup>51</sup>

### Pet Foods

45. Many pet foods contain chometz such as wheat (cracked, flour, germ, gluten, ground, grouts, middlings and starch), barley (cracked, flour), oats (flour, grouts, hulled), pasta, rye, Xanthan Gum and brewer's dried yeast. The following popular pet foods usually contain chometz: Alpo, Beneful, Pedigree, Purina, and Science Diet Dog Food.
46. Since Ashkenazic Jews may benefit from *kitniyos* on Pesach, beans, brewer's rice, buckwheat, corn, millet, milo, (peanuts-for those who have a custom to consider *kitniyos*), peas, rice, safflower, sesame, soybeans, soy flour and sunflower seeds for instance, do not pose a problem in pet foods.
47. Since the pet foods are not prepared in a factory with mashgiach present, often a bag of *kitniyos* may contain small amounts of grain. Therefore, it is advisable to purchase all of ones *kitniyos* pet foods before Pesach so that any small amount of grain mixed in the mash will become *batel* before Pesach.
48. **Bird foods** - Pure sunflower seeds or millet are fine. Most other products contain wheat or oats.
49. **Cat food** - Canned cat foods without wheat, grains, beef and milk products combination. The food bowl that is used during the year should be thoroughly cleaned before Pesach. Sometimes kitty litter is wheat based. Make sure to use a brand that is clay or wood based.

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<sup>51</sup> וכ"נ ממשי"כ הכה"ח סימן תני"ג ס"ק כ"ז בשם הזרע אמת ע"ש.

50. **Dog food** – Same as cat food. You will need to check the item well and it may require a few phone calls to reach a distributor who can fax to you a letter attesting that a certain pet food is Kosher for Pesach.
51. **Fish food** (fresh water) - additive free freeze-dried worms, krill (frozen, without additives).
52. **Fish food** (saltwater) - frozen brine shrimp, Krill (frozen without additives), blood worms.
53. **Hamsters, Guinea pigs, gerbils and rabbits** - Alfalfa grass and sunflower seeds. It is best to feed pure alfalfa pellets. Make sure it is pure alfalfa since it is common to add grains. Dried alfalfa may also be given.
- 53.1. You can supplement with mixture of cut-up fruits and vegetables – carrots, broccoli, grapes, apples, melon, kale, parsley, oranges, celery, dry corn, sunflower seeds and cabbage. One can also give some matzoh. If your pet is not accustomed to these items, give them sparingly.
- 53.2. Guinea pigs, especially, will benefit from kale, parsley and oranges. Hamsters, especially, will benefit from apples. Guinea pigs need vitamin C added to diet.
54. **Cattle**- Cattle feed that has grain in it should also be changed for Pesach. You should purchase *kitniyos* such as corn. The corn mash can be fed to cattle over Pesach. To date, cattle feed of corn has some residual grains (wheat and barley) that are inadvertently in the corn at a ratio of 1-part grain to 500 parts corn. The feed will likely become moist and the grains may become chometz. Still, this is acceptable if the corn is purchased before Pesach. That way the grain becomes *batel* in the ground corn.
55. Animal food mixes sold in stores often contain chometz. It is advisable to mix regular and Pesach food together one to two weeks before Pesach before switching completely to Pesach food. The ratio of regular and Pesach food should be changed slowly to get the animal used to the new

diet. Check with your veterinarian before changing your pet's diet. The rav takes no responsibility for adverse reactions.

56. **Zoo** – If you go to the zoo, do not buy any food to feed the animals; it often contains chometz.

57. **Selling the Animal and its chometz Food** –In exceptional circumstances, when it is impossible to find a *kitniyos* substitute to feed your animal, there is another solution. This should only be used in extenuating circumstances. (It is advisable to discuss your situation with a reliable *posek* before determining that your situation warrants using this measure.)

Sometimes a wheat-based diet is the only way to heal a sick animal. For example, should a family have a dear pet that is ill and were the pet to die (or be put to “sleep”) it would cause significant anguish to certain family members, the situation may warrant transfer of the pet and its food to a non-Jew.<sup>52</sup> After the veterinarian has determined that that the only solution to prolong the life of the family pet without suffering (or to spare the life of an expensive breeding stud), is by putting the animal on a strict diet of wheat based foods (and it must be done over Pesach), one can arrange to transfer ownership of the animal and its food to a non-Jew.

The need for this was prevalent years ago and the *poskim* discussed this extensively. See the note for more details.

57.1. In practice, one may give his pet to a non-Jewish friend as a gift (Christine). Give a kennel (Doug's Kennels) the wheat-based food.

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<sup>52</sup> אגב יש לציין מה שכתב באג"מ אור"ח ח"ה סימן כ"ב: כא דבזה"י דיש בני"א שמתקשרים לבעלי חיים כשעשוע עד שהם מסתובבים כאנשי הבית, ואוהבים אותם ביותר, אינם בכלל בעלי חיים שהם מוקצה הנזכר בגמרא ובשו"ע, ומותר לטלטל אותם. וכן הובא בספרים של רש"א וצ"ל, והדברים גם מסתברים ומתיישבים על הלב.

Since you want to make sure you're your pet receives the correct diet, you wouldn't want to allow Christine to feed the animal as she sees fit. She may not give the wheat-based food. You cannot instruct her to only feed the animal chometz. However, you can recommend to Christine that if she doesn't want to handle the pet or its care, she can hire a Doug's Kennels to care for the animal. Explain that Doug is aware that someone named Christine may leave a dog with them. Doug already has the necessary food for the animal. Should Christine need to pay for the kennel, you may compensate her for her costs. Same kind of arrangement can be made for livestock or horse-breeders.<sup>53</sup>

- 57.2. The same principle can be used in a practical way in a home setting where a non-Jewish domestic help lives in your complex in his or her own residence. Before Pesach give your pet to your domestic help (Catherine) as a gift. Give the chometz pet food to another non-Jew (e.g., your neighbors domestic help, Tony). Let Catherine know that she can get the appropriate food from Tony across the road.

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<sup>53</sup> עיין סימן תמ"ח ס"ז ובמ"ב ס"ק ל"ג דאסור ליתן בהמתו לנכרי בפסח והוא יודע שיפטמו בחמץ דאע"ג דאינו מחזיק חמץ בביתו ואינו עובר בבי"ב וב"י, מ"מ יש כאן איסור הנאה מחמץ אע"ג שהחמץ שייך לנכרי, דאסור ליהנות אפילו בכה"ג. ורק אם מוסר בהמתו לנכרי זמן רב לפני פסח ואינו מצווה אותו להאכילו חמץ ש"ד. ואם אינו יודע בבירור שיאכילה חמץ מותר למסור בהמתו אף לפני פסח.

ויכול למכור או ליתן הבהמה לפני פסח לנכרי בתנאי שלא יאמר לו להאכילו חמץ והנכרי יאכילנו משלו, ולא יהיה לו עסק עמו כלל במשך חג הפסח. אם אין לנכרי אוכל להאכיל הבהמה, אסור ליתן לו הבהמה והחמץ יחד, שזה כאילו מורה לו להאכילו חמץ. אמנם מותר ליתן הבהמה לנכרי הראשון והחמץ לנכרי השני, ולסרסר ביניהם לומר למי שיש לו הבהמה שיכול לקנות אוכל חמץ אצל נכרי השני.

והנה בבכור שור לחידושו בפסחים כתב דלא מהני מכירת הבהמות בדרך זו דהערמה מותר רק באיסור דרבנן כמו חמץ שעומד לבטל, אבל איסור הנאה מחמץ (הובא במקור חיים תמ"ח ס"ק ט"ז ובברכ"י. ורבים חולקים עליו כולל הח"ס ונשמ"א, עיין שע"ת תמ"ח ס"ק י"ז. ובח"ס סימן ס"ב כתב דלאחר המכירה יפקירנה בפני ג', ואף לז' ימי הפסח סגי, הובא בכה"ח אות ק"ט.

Catherine can then get the food, bring it to her residence on your complex and care for the dog that was once yours. If all of these people are cooperative, they may return the dog to you after the festival. It is a legal loophole that bypasses the sin of owning chometz. It may seem distasteful to some as if you are working around the intent of the Torah, but the process does work, and the Jews are not in violation of *halachah*. *Ha'aromoh*, legal loopholes, are sometimes allowed.<sup>54</sup> We have a religious system given by Hashem that was presented as national law (for good reason) and along with that legal system is the concept of legal loopholes. This opens a discussion beyond the scope of this booklet but does deserve further explanation.<sup>55</sup>

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<sup>54</sup> I have briefly addressed the subject in footnote 168.

<sup>55</sup> להרחבה בענין בית ישי ממו"ר הרב שלמה פיישר שליט"א בדרשה לשבת נחמו סימן י"ד (עמוד קכא).



### Kashering for Pesach

58. Utensils that are used during the year for chometz may not be used to prepare food for Pesach unless they are kasherable and have been properly kashered.

58.1. Utensils that are *chometz'dike* (used for chometz and will not be kashered for Pesach) need not be sold (and should not be sold).<sup>56</sup> It is also not halachically required to move them out of reach or sight. If you are concerned that you may inadvertently use these utensils, you may wish to seal them away or move them for personal practical reasons. Halochoh allows them to be exposed and visible during Pesach.

59. Cloth tablecloths, towels, potholders, bibs and aprons used year-round with chometz should be washed thoroughly with detergent in hot water and may then be used for Pesach even if the stains do not come out.<sup>57</sup>

59.1. Synthetic material such as Terylene or rayon (which are made of chemically processed natural fibers) only can withstand a warm water cycle may be used on Pesach after they have gone through a warm

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<sup>56</sup> General sales of chometz performed by communal rabbis do not (or at least should not) sell the utensils or flavor absorbed in the vessel. Only chometz is sold. Were the utensils sold, they would need *tevillob* after reacquiring them after Pesach. See the section regarding *tevillas keilim* starting from section [152](#).

<sup>57</sup> This is not a *bag'oloh* process; it is a cleaning process. Therefore, it is sufficient for the water to be *yad soledes bo*, which is the standard definition of hot according to halochoh (see Mishna Beruroh 442:52). The function of the hot water is to help the detergent penetrate the dirt better; it is not a *bag'oloh* process.

## Guide to Pesach 5781

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washing with detergent provided there are no visible stains after they have been cleaned.<sup>58</sup>

59.2. It is necessary to get new plastic tablecloths and plastic bibs for Pesach.

60. Surfaces upon which only cold chometz has been placed during the year, such as pantry shelves, dish drying racks and refrigerators, should be thoroughly washed and rinsed to ready them for Pesach use.<sup>59</sup> It is advisable to go over the surface with bleach or some other liquid (hereafter a *dovor pogem* e.g., Fantastik) that will make any edible crumbs inedible upon

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<sup>58</sup> Rav Moshe Feinstein did not consider a warm cycle with detergent sufficient. Other poskim disagree and allow a warm cycle with detergent. In the instructions above we have drawn a distinction between whether the cleaned item is stained or not. Using detergent with warm water is good enough to be *pogem* any flavor if there no residual mark of the chometz. Should there remain a stain, one should follow the Mishna Beruroh's instructions and use hot water. Otherwise the tablecloth should not be used on Pesach unless the cloth tablecloth is covered with a plastic sheet/tablecloth.

<sup>59</sup> People may put hot food in the refrigerator, but it is usually done in a way that would not cause the racks or shelves to absorb chometz. Hot food might be put in after being placed in a container, a pot or pan but it is unlikely that the food would be put directly on the shelf while hot. Even if the pot or pan in which the food was cooked in is still hot, and placed on the rack or shelf, as long as there is no liquid or moisture under the utensil to transmit the flavor of chometz from the walls of hot pot to the cold surface, the cold surface cannot absorb any chometz flavor.

Chometz is regularly placed on highchair trays, but it rarely is the food *yad soledes bo*. Therefore, you can be clean the plastic tray well (with a *dovor pagum*) and used for Pesach. If you suspect that hot food (*yad soledes bo*) was placed on the tray (or a hot pot was temporarily placed on the tray while the tray had moisture or the bottom of the pot was wet), then you should get a new tray for Pesach or cover it with contact paper (usually peels off nicely after Pesach), a runner or even with a garbage bag and tape it down.

If the tray is made of metal or wood, you can perform *irui* (pour boiling water over the tray area).

contact.<sup>60</sup> Surfaces that are used for hot chometz during the year must, in addition, be kashered.

### Countertops

61. **Granite, marble, Caesarstone, wood** (if it has a smooth surface), and **stainless-steel countertops** can be kashered by pouring boiling water on them (*irui*).

61.1. Remember to first clean the surface well using a rag that has a *dovor pogem* on it.<sup>61</sup>

61.2. Make sure the counter was not in direct contact with hot chometz for the 24-hour period preceding the kashering.<sup>62</sup>

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<sup>60</sup> See FAQs section [130](#) and [132](#) for applications of this rule.

<sup>61</sup> Counters made of stone, granite or marble can have a smooth, rounded edge or a raised lip at the edge that stops liquids from spilling on to the floor. While the lip is very practical, it needs special attention when kashering a counter. The lip is a piece of stone that fits around the stone plate and is glued on. Crumbs and other particles of chometz can accumulate in the point of union between the two pieces and some chometz will eventually fall further down. Were the lip removed, you would see residual particles of food that have become trapped in there over time.

The chometz that is imbedded deeply cannot really present a halachic concern as it doesn't come in contact with any Pesach food that might be placed on the counter and is not hot. When kashering the counter, it is only the surface area that is kashered and the cold chometz that is not affected by the hot water being poured will not make the counter *chometzdik* during the kashering process. Furthermore, it is likely to have become *pogum* (unfit for animal consumption) over time. However, at the seam between the lip and counter, there may be some crumbs and one should clean it well with a sharp tool such as a toothpick and go over those edges with a rag soaked with a *dovor pogem* so that whatever crumbs might remain will become *pogum*.

<sup>62</sup> For example, when kashering *motza'ei Shabbos* you may still use your sinks on Shabbos provided that it is not used with hot food or liquids.

והנה מעיקר הדין סגי שלא ישתמש בחמץ חם במשך השבת, אולם רשאי להשתמש בשאר חמין כמו מים, בשר או חלב או פרווה, דהרי עכ"פ כל טעם החמץ כבר נחלש ונעשה אינו בן יומו, בין שהיה

- 61.3. Pour the boiling water over the entire surface
- 61.4. When finished, pour cold water over the surface.<sup>63</sup>
62. It is best to use an electric water heater that is plugged in and boiling the water as it is being poured over the counter, but any pot of boiling water that is taken off the fire with a rolling boil is also acceptable.<sup>64</sup> A removable electric hot water kettle is also acceptable.<sup>65</sup> The entire area should have

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תוך הכלי בין שהיה בכלי ונפלט וחזר ונבלע. וכן דעת הבי"י ורמ"א כפי הבנת הדגו"מ ביו"ד סימן ק"ג ס"ז, וכ"ה דעת הפר"ח בסימן צ"ד סק"כ.

אולם דעת הש"ך אחרת, וס"ל דכל שלא עבר מעלי"ע ונפלט וחזר ונבלע, מונין מעלי"ע מזמן שני, ואין השהייה הראשונה עולה למעלי"ע. כ"כ בסימן צ"ד ס"ק כ"ב, ובסימן ק"ג ס"ק י"ח ובסימן קכ"ג סק"ב. ועיין ביד יהודה בסימן צ"ד שתמה על הש"ך ומסביר דברי הפר"ח דודאי אין הפגם במעלי"ע מתחיל מיד לאחר מעלי"ע אלא הולך ונפגם מההתחלה, וא"כ מה בכך שנפלט בחוץ וחזר ונבלע ומאיזה טעם יש להתחיל שהיית המעלי"ע מזמן שני.

ומאחר דנראה דהעיקר להלכה דלא כש"ך סתמתי למעלה שיזהר שלא ישתמש בחמץ מעלי"ע ומשמע דעכ"פ רשאי להשתמש בשאר מאכלים חמין. אולם בהערה באנגלית סתמתי שלא ישתמש בחמין כלל, והיינו לחוש לחומרת הש"ך, דאם ישתמש בחמין של פרווה, יפלוט טעם החמץ שהוא בן יומו ויחזור ליבלע בקדירה בטעם בן יומו ולא ישהה מעלי"ע משעה שנייה עד ההגעלה.

<sup>63</sup> If you forgot to pour the cold water afterwards and only remembered much later, it is still *kashered* and you don't need to *re-kasher*. The cold water is effective only as long as the countertop is still hot. There is no point in doing it later when it is cool.

<sup>64</sup> It is easier to have control of a smaller, lighter pot and a smaller pot doesn't take so long to reach a rolling boil. Some people try to use large pots since they hold a lot of water. Large pots of hot water, however, can be more dangerous, are bulky and one has less control pouring the water exactly where one wants it to go. Besides, the larger the pot, the longer it takes to reach a boil.

<sup>65</sup> An electric kettle usually has a cut-off switch that turns off the power as soon as it starts to boil. If that cut-off switch is broken or if you figured out how to by-pass it, and the water continues to boil until the kettle is removed from the base, such a kettle is perfect for kashering because the water gets so hot that one can hear it boiling while pouring it over the sink and counters. Often, the cutoff switch can be bypassed by keeping the lid of the kettle open. The water will continuously boil, and it can be used to kasher your countertops for Pesach.

the hot water poured directly on it. Pour over the countertop in a systematic way to be certain that you reach all areas with the hot water.

63. Surfaces that *cannot* be koshered for Pesach, such as Formica and ceramic tiles,<sup>66</sup> should be covered with non-absorbent material such as contact paper, cardboard or aluminum foil (it is best to use a few layers of aluminum foil, as it tears easily).

63.1. **However, for the year 5781, when there are still added difficulties for some people, for those that still must endure extreme conditions it can be considered a *sha'as hadchak*. For those that find it challenging to shop and make alternate arrangements, one may *kasher* Formica and plastics for Pesach just as one *kashers* stone.**

### Sink

64. To kasher a **stainless steel or granite sink**, first clean it and then keep hot water off it for 24 hours. Then pour boiling water over its entire

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### Kashering with a *chometzdik* hot water kettle?

Halachically it is permissible to kasher utensils for Pesach using water heated in clean chometz utensils that had not been used for 24 hours with hot chometz. Nevertheless, it is customary to use kosher for Pesach utensils (pots and kettles) to heat up the water used to kasher utensils for Pesach. Therefore, it is best to buy a kettle especially for Pesach and use that one to kasher the counters and sinks for Pesach. However, if that is difficult, then one can use an electric hot water kettle that likely never became chometz. In other words, if you think that it is unlikely that any chometz was ever absorbed in any part of the electric kettle, then if you wait 24 hours from the last time that the kettle was used hot, you may use that kettle to heat up water to kasher countertops and sinks. Still, that electric water kettle should not be used on Pesach to heat up water for drinking. If the electric hot water kettle has any plastic parts that are exposed to the hot water, it is not kasherable for Pesach.

<sup>66</sup> Formica is kasherable from *treif* flavor it absorbed but ceramic tiles are not. Neither is generally kasherable for Pesach. **This year, 5781, you may *kasher* Formica and plastics if you are still affected by Covid-19 and have difficulty kashering or obtaining utensils.**

surface in a systematic fashion to make sure that every spot is hit directly with the boiling water. It is not sufficient to pour on one spot and let the water run down the sink. The same rules apply to koshering sinks as to koshering countertops (see above). After koshering, the sink or countertop should be rinsed with cold water.<sup>67</sup>

65. **China, Corian and porcelain sinks** cannot be kashered; dishes should not be placed directly into such a sink. They must be washed in a Pesach dishpan that sits on a Pesach rack. It is necessary to have separate dishpans and racks for *milchig* and *fleishig* dishes. Another option is to fully line the sink with a tin or plastic insert, contact paper or aluminum foil.

### Metal Utensils

65. **Metal utensils** that are used with liquid (soup pots, cutlery, serving utensils, kiddush cups, etc.) can be kashered by first cleaning them thoroughly,<sup>68</sup> not using them for 24 hours, and finally, completely

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<sup>67</sup> If one failed to pour the cold water afterwards, and the sink cooled, it is not necessary to do and the sink is still *kashered* for Pesach.

<sup>68</sup> Whenever one uses the medium of *bag'oloh* to kasher, the surface needs to be clean of any caked-on-dirt, rust or other material. If the surface is not smooth enough to run one's finger along without feeling resistance, this indicates that the raised, attached substance might block the hot water from reaching the metal or material being kashered. If the surface is smooth but discolored, it may be kashered with *bag'oloh*.

For example, on occasion cooking utensils (especially in large or industrial kitchens) are marked with tape, paint or other applied symbol to designate the utensil as dairy, meat or parve. These can disqualify the item for *bag'oloh*.

Another example: a dirty frying pan that has residual food particles that have caked on to the surface needing to be kashered, is not kasherable. The particles may not be considered as food but it does act as a barrier between the hot water and the surface of the pan.

One could however, use *libbun* to kasher the pan. *Libbun* functions on a different principle than *bag'oloh*. Its high level of heat burns through the food particles into the pan and destroys any absorbed flavor in the pan.

immersing them in a kosher for Pesach pot of water that has been heated and is maintaining a rolling boil when the vessel is immersed. The metal utensil being kashered should be submerged in the boiling water for about fifteen seconds. This should be followed by rinsing in cold water immediately upon removal. The entire item does not need to be in the hot water at one time. One may *kasher* half of the utensil and then reimmerse to kasher the other part. Just make certain that the second immersion overlaps the part that was already kashered and no part of the utensil was left unkashered. Each item should be kashered one at a time.

66. The utensils undergoing the kashering process may not touch each other.

In other words, if a set of flatware is being kashered for Pesach, one cannot take all the knives, forks and spoons and put them in the boiling water together. They should be placed into the boiling water separately. A suggestion for kashering is to tie the pieces of silverware to a string loosely, leaving seven centimeters between each piece, and immerse the string of silverware slowly, making sure the water keeps boiling. Remove the string of silverware and rinse the kashered items in cold water. If tongs are used to grip the utensil, the utensil will have to be immersed a second time with the tongs in a different position so that the boiling water touches the initially gripped area. An alternative method, especially useful for larger pots, is to clean the pot inside and out, leaving it dormant for 24 hours, filling the pot completely with water, waiting until the water comes to a rolling boil, and using a pair of tongs to throw in a hot stone or brick that has been heated on another burner. The hot stone will cause the water to bubble more furiously and run over the top ridge of the pot on all sides at once. (Use caution, as the hot water may spray in all directions.) You can also pour boiling water (from a kettle or hot water heater) into the center of the pot and have the water spill over the edges. The kashering process is finalized by rinsing the pot in cold water.

67. A pot that is not kosher for Pesach may also be used for kashering, but it is the custom to make the pot kosher for Pesach first.
68. After the Pesach kashering process has taken place, the status of these newly kashered utensils may be changed from *milchig* to *fleishig* or vice versa or to *pareve*.
69. **Braces, bite plates and retainers** should be brushed thoroughly before Pesach and they may be used.<sup>69</sup> Dentures and metal fillings do not pose a halachic problem on Pesach since food or drink that reaches them is not *yad soledes bo*.<sup>70</sup>
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<sup>69</sup> This is true for retainers that are a hard plastic or a soft mouthpiece. While people do not eat with retainers on, they can drink. If one drinks hot chometz drinks with his retainer on, during Pesach it is recommended to avoid drinking hot drinks while wearing the retainer.

Special cleaners for retainers should not be used on Pesach. As they have citric acid and flavors in them they may be chometz. Therefore, the cleaners should be sold or disposed of before Pesach. One should be concerned about the kashrus status for use all year round. However, if one were to wash the retainer very well after it has been cleaned (before Pesach) with the *chometz-dike* cleaners and there is no residual flavor detected on the retainer, one need not be concerned about its non-kashrus status. However, if the cleaner is chometz, one may not derive any benefit from it. Hence, such cleaners should not be used on Pesach.

It is advisable to clean them before Pesach with a *dovor pogum* (Fantastik in Israel) in case there are some spots that do not come off. Any calcification or residual food that has been cleaned with a detergent is not chometz. Afterwards, you can rinse well and insert on Pesach.

<sup>70</sup> It is unnecessary to have one's teeth cleaned before Pesach by a dental hygienist due to a concern of chometz. After the chometz is in one's mouth for a short period, it loses its status as chometz. (Only meat retains its status as meat for 6 hours while in between the teeth and that is based on a verse in Parshas Shelach "and the meat was still between their teeth"). This is not the case with other foods stuck between the teeth. Certainly, the hardened, calcified material that dental hygienists remove is kosher *lepesach*. It is important to clean one's teeth for dental health considerations, not halachic. Calcified material found at the bottom of a kettle is not chometz and need not be removed. Should one wish to *kasher* the vessel for Pesach, the calcium must be totally removed.



70. Kashering countertops, sinks (*irui*), and metal utensils put in boiling water (*bag'oloh*), use a method of kashering that removes the absorbed flavor from the material.
71. **Libbun:** There is a fundamentally different method of kashering, which is more powerful and destroys the chometz inside the material. This is called *libbun gamur*. *Libbun gamur* is the method used for kashering an electric range or self-cleaning oven.

### Cooktops

72. To kasher an **electric range**, first scour it thoroughly. Then turn on the burner to the highest temperature setting for 15 minutes, or until it gets red-hot.<sup>71</sup>
73. **Gas grates** should be put in a self-cleaning oven for kashering. Another method of kashering the grates is to place pots of water or a blech on all the grates and turn the flames on for 10 minutes. The heat is spread across

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<sup>71</sup> It is easiest to check if the metal has turned red hot in a dark room. Some coils have a material over them that hide the red-hot metal underneath. In a dark room, it is possible to see the glow of the red-hot metal. Some metals never turn red hot, but they reach the same temperature and that is also good enough.

Heating elements embedded in a smooth glass surface may not be kasherable.

In general, electric cooktops pose halachic issues to use on Shabbos and Yom Tov. For example, electric ignitions cannot be used on Yom Tov and temperatures cannot be adjusted on Yom Tov. Cooktops (gas or electric) may have a light or light bar that turns on when the burner is turned on. Some of these light bars also increase or decrease as the temperature setting is adjusted. Some cooktops may also have simmer lights that turn on and off as one enters or exits a very low setting.

In general, it is advisable to avoid electronic controls. After return of power from a power failure, these units will probably stay off. Even knobs on stovetops can be connected to a computer. Adjusting knobs often allow more electricity to flow and reprogram a computer to increase or decrease the temperature. This is forbidden.

the area all the way to the end of each grate and they are kashered that way.<sup>72</sup> Make sure to remove the knobs if you are using a blech to cover the grates. Sometimes the heat is so intense that the knobs on the side melt and they can be hard to replace.

74. **Glass-top stoves (Corning, Halogen or Ceran electric smooth top ranges)** can be kashered in the area of the burners only. The most practical thing to do is to change the entire glass top for Pesach. If you wish to kasher the burners, they should be turned to high for 15 minutes. The area in between burners and around the grates cannot be kashered and you may want to cover it with foil or some other material to avoid running the risk that whatever falls on those areas cannot be eaten on Pesach. However, covering those areas may cause the glass or special material to crack. Since the area beyond the burner is not kasherable, any pot placed on the burner should not touch those areas not kashered. It is advisable to place a disk over the burner area (the disk should not extend beyond the burner area so that it does not reach the part of the glass top that is not *kasherable*). Any pot placed on the burner can then extend beyond the area of the burner since it will not come in direct contact with the glass top. If, however, a spill reaches the disk and the area beyond, the *pesachdik* pot and food and the disk may now be unusable for Pesach. If despite these problems, you still wish to use the glass top, it is advisable to

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<sup>72</sup> Often the grates self kasher every time the flame is on and there is a pot on the grates. The area under the pot will be kashered automatically. The kashering of grates mentioned above, is likely unnecessary, but it should be done anyway to be sure that the full length of the grates are kashered, even the part that is not generally under the pot.

place trivets over the unkashered area so that you have a place to put down the *pesachdik* pots.<sup>73</sup>

### Induction Cooktops

75. Induction cooktops may work well, but they are not usable on Shabbos or Yom Tov as heat is created when a pot is placed on the surface. To use an induction cooktop before Pesach with your Pesach equipment or to use the induction cooktop during *chol hamoed* Pesach, clean the surface very well and place silicon mats or runners to cover the entire surface of the cooktop. Silicon mats are designed to allow the magnetic attraction to penetrate the silicon and it serves as a separation between the surface of the cooktop and the bottom of the pot. It is important that no liquid connects the pot and the surface of the cooktop. However, since the silicon mat covers the entire area and is non-absorbent it will keep the cooktop dry were the pot to spill over. Under these circumstances, you can use the induction cooktop before Pesach and during *chol hamoed* for all your Pesach equipment and cooking needs.

76. **Vents** above the stove top that collect the vapors and remove them from the kitchen can pose a serious halachic problem all year round and for Pesach.

76.1. Firstly, the screen collects much hardened food particles that had risen with the vapors and became attached to the screen. This visible and real food may be chometz or even *treif* (milk and meat). The screen and entire area need to be cleaned and a spray of *dovor pogem*

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<sup>73</sup> The trivets may touch the unkashered area. Since the trivets and unkashered area are dry, no flavor passes between them. The pot is only touching the Pesachdik trivet. It is important to avoid a situation that hot liquid connects the pot to the trivet and the trivet to the unkashered area.

(water and bleach or cleaner) should be liberally applied. Even if no edible food particles remain on the surface there is yet another concern.

76.2. Sometimes the vents are so low that when a tall pot is used the vapors are *yad soledes bo* at the point where the vapors reach the vent screen. If the vapors ever became so hot that one could not keep his hand at that spot for 15 seconds, then whatever flavors are in the vapors would become absorbed into the screen. Should this happen during cooking on Pesach the new vapors may become hot again and draw out the chometz flavor in the screen and cool enough to fall back into the open pot under the vent.<sup>74</sup> One would need to kasher all the material that is within range of a *yad soledes* vapor if possible. Alternatively, it is advisable to raise the vent high enough to avoid a possibility of the vapors being *yad soledes bo* at any point of contact with the vent. Obviously, removing the vent entirely also solves the problem.<sup>75</sup>

### Ovens

77. A **non-self-cleaning oven** should be cleaned with a special oven cleaner such as Easy Off and not used for 24 hours. (You start your 24-hour count from the time the oven was last used for cooking; not from the time the oven cleaner was applied). After this time, it should be turned on to the maximum setting for forty minutes. This is referred to as *libun kal* and will

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<sup>74</sup> If the vapors become so hot and the residual food particles remained on the screen, then there is a concern of cooking milk and meat together, which is forbidden all year round and is unrelated to Pesach.

<sup>75</sup> Some models of vent hoods turn on automatically when heat builds up under the hood. If you cook on Yom Tov, make sure that you won't indirectly cause the vent to turn on.

kasher the oven, but not the broiler or the racks, which come in direct contact with food.<sup>76</sup> The **broiler** pan cannot be kashered with the process

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<sup>76</sup> Some people place pizza or other food directly on the racks on occasion. If so, they need *libbun gamur* and the racks should be kashered in a self-cleaning oven. If you always place pans on your racks and there is no spillage of food onto the racks (if that is possible), you can leave the racks in the oven and *libbun kal* (which will be defined later on) is sufficient.

If there is an occasional spillage and food is not regularly placed on the racks, a *libbun kal* is acceptable *bedei'ever* for food cooked on Pesach and *lechatchiloh* for food prepared in that oven before Pesach.

In other words, if you are the one responsible for kashering then you should make sure to do a *libbun gamur*. Once *libbun gamur* was done, you can freely use that oven before Pesach and during Pesach without restriction. However, if someone else kashered it with a *libun kal* and you know that most of the time the rack was used with a pan or some other separation between the food and the rack, then you can rely on the kashering process of *libun kal* and eat food that was cooked on Pesach in that oven. See Shulchan Aruch O.C. 451:6 where the various opinions are mentioned. The Ramo is concerned about even an incidental absorption of flavor whereas the Mechaber rules that one only need to be concerned about the way the item is used most the time. The appropriate kashering method is dependent on how the utensil is used most the time. (This is true per the *minhag* that kashering should only be done on a utensil that is an *eino ben yomo*. If you are unsure if the item is a *ben yomo* or there is some extenuating circumstance permitting one to *kasher* a *ben yomo*, all opinions agree that the kashering method must match the method in which the flavor had gone into the utensil in the last 24-hour period.)

כתב המחבר בהלכות פסח סימן תנ"א ס"ו כל כלי הולכין בו אחר רב תשמישו הלכך קערות אע"פ שלפעמים משתמשין בהם בכלי ראשון על האש כיון שרב תשמישן הוא בערוי שמערה עליהן מכלי ראשון כך הוא הכשר. וברמ"א שם ויש מחמירין להגעיל קערות בכלי ראשון וכן הוא המנהג. ובגר"ז כתב (תנ"א סכ"ז) ולענין הלכה יש להחמיר לכתחילה כסברא האחרונה וכן נוהגין ואין לשנות עכ"ל. ועיי' בסכ"ח. ובמ"ב ס"ק מ"ז כתב להדיא דבדיעבד סמכין אדיעה ראשונה וכ"ד המקור חיים. ומש"כ דאם הוא בן יומו גם המחבר מודה לרמ"א, כ"כ המ"ב שם ס"ק מ"ו וז"ל אם ידוע שתוך מעת לעת השתמשו בו בחמץ בכלי ראשון ממש אע"פ שעיקר תשמישו תמיד הוא ע"י עירו או בכלי שני צריכין הגעלה בכלי ראשון אלבא דכו"ע ואם ע"י האור צריך ליבון עכ"ל. ומלשון המ"ב משמע דאם הוא ספק אי הוא ב"י ס"ל למחבר דאזלינן בתר רב תשמישו, וצ"ע דלכאורה הוא ספק דאורייתא ועיין בחזו"א דעמד ע"ז (סימן קכ"ב סק"ד) וכתב דנראה דגם בספק יש להחמיר ובעינן ידוע שלא נשתמש תוך מעלי"ע שימוש החמור ואף שהוא מועט מ"מ לא שייך כאן למיזל בתר רובא דאין שימוש המועט מקפח שימוש הרוב, וכ"ה ברמ"ע שם דספק הוא ספיקא דאורייתא אלא שבסוף דברי הרמ"ע לא משמע כן, ואפשר דבעינן שיהא לבו מסתפק בדבר וסתמא לא חיישינן כיון דלא שכיח עכ"ל. הרי

just described. The oven walls are *kashered* with *libbun kal*, and the broiler needs a *libbun gamur*. If the area of the broiler is cleaned with oven cleaner, you can *kasher* the rest of the oven and leave the clean broiler pan itself non-*pesachdik* in the oven while baking *pesachdik* food in the oven if the broiler area and the oven are two separate systems and the vapors of the oven do not reach into the broiler area. If the broiler pan is replaced, the broiler can be *kashered* in a similar fashion as the oven. If one wants to *kasher* the pan or racks, *libun gamur* (glowing hot metal) is required. Placing the racks and pan in a self-cleaning oven is the one of the most practical ways to *kasher* them.

77.1. Another way to *kasher* the racks with *libbun gamur* is to *kasher* it at the same time you are going to *kasher* the grates on the stove top. Place the oven rack on top of the stove grates, place a sheet metal or large oven pans over the grates and racks so the heat of the stove will spread to the extended arms of the grates. The racks will also get extremely hot and will be *kashered libbun gamur* that way. Make sure to remove the plastic knobs if they are on the flat surface of the stove. The heat generated from the *kashering* process may melt them. (It is also advisable to add water to the pans or pots used to spread the heat under them. Without the water, the pans will warp or ruin). Start the

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היכא דלבו מסתפק בדבר ס"ל דהוי ספיקא דאורייתא ולכאורה ממ"ב משמע דכשלבנו מסתפק ס"ל למחבר דאזלינן בתר רב תשמישו אם לא דנימא דהמ"ב מיירי בסתמא ודוחק לומר הכי.

דין זה שאזלינן בתר רב תשמישו באב"י שייך בכל הכשר כלים, אמנם לענין הכשר כלים לפסח יש להקשות דהרי חמץ בפסח במשהו, ולא מהני ביטול בפסח, וכיון דדין אינו ב"י כמשהו, איך משתמשים בכלים שנבלעו בהם טעם חמץ במקרה והוא אינו ב"י, והרי לא הועילה ההכשרה למיעוט תשמישו, וי"ל כיון דהגעלה יהא קודם זמן איסור, טעם החמץ כבר נתבטל במים בהגעלה קודם זמן האיסור ולכן אינו אוסר במשהו כשמשמש בכלי בפסח. ולא שייך בזה חוזר וניעור בדבר שאינו אלא טעם של בליעות, דאף הרמב"ם (עיין סימן תמ"ז ס"ד) מודה שטעם חמץ שאין בו ממשות שנתבטל קודם הפסח אינו חוזר וניעור כמבואר במ"ב סימן תמ"ז ס"ק כ"א, והכא הרי טעם החמץ כבר נתבטל במים לפני הפסח.

stove and heat all burners at maximum temperature for five minutes. The grates and racks will be *kashered* for Pesach and you can use the oven and racks for cooking on Pesach. A similar approach can be done using your gas grill (or braai). If you can place the racks of the grill (braai) or oven in between the heat source and the rocks or coals on top of it, and turn on for five minutes, it will kasher the grill and oven racks. (See more about *kashering* a grill.)

78. *Libun kal* is an acceptable way of kashering all parts of the oven that do not come in direct contact with food or with pots that have moisture or liquid on the outer surface. The walls of the oven that do not touch food are kashered with *libun kal*. Racks often come in direct contact either with food (which might inadvertently have been placed on the rack) or pots of food that were sticky or had some spillage of liquids which made contact between the pot and the rack, should not be kashered with *libun kal* if you plan on using the oven on Pesach.
79. If you plan to do all your cooking before Pesach, then it is sufficient to kasher the oven and racks with *libun kal*. When putting food in a pot on the rack, generally, it is all dry and flavor cannot pass from metal to metal without a liquid medium. Even if something spilled and some chometz flavor did pass to the food, the chometz flavor would not affect the kashrus of the Pesach food. Since 24 hours has transpired since the chometz was used on the rack, the flavor is *pagum* and cannot ruin any Pesach food absorbing the flavor **before Pesach**. However, should liquid spill while cooking **on Pesach** and the sides of the oven or the racks touched a pot of food at a point where there was moisture or liquid, the food may be forbidden to eat. A competent Rav need be consulted.

Therefore, if one wants to cook on Pesach, it is best to do *libun gamur* on the racks and avoid any pot from touching the sides of the oven.<sup>77</sup>

80. **Warming drawers** cannot be kashered because the heat setting does not go high enough to constitute *libbun*. The warming drawer should be cleaned, sealed, and not used for Pesach. If it is part of an oven, the rest of the oven can still be kashered and used for Pesach.

81. Many **microwave ovens** without browning elements or convection can be kashered. If the walls do not exceed 120 degrees Fahrenheit (49° Celsius) during cooking, it is certainly cool enough, and one only needs to clean it well. Otherwise, to see whether your microwave gets too hot, cook a potato in it for about five minutes and then open the door before it has finished its cycle. Then immediately check the temperature of the ceiling and walls. If you can keep your hands there for 15 seconds, the oven walls never reached *yad soledes bo* and they have not become *treif* or *chometz*<sup>78</sup>. Many microwave ovens can pass this test. If yours does, just clean the oven walls very well with a cleanser so that the surfaces are clean. Any

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<sup>77</sup> Ovens today have become more sophisticated and complex. After one has kashered his oven, one still needs to make sure that it is halachically permissible to use during Shabbos or Yom Tov. Some models shut off the heating elements when the oven door is opened or shortly thereafter (within 90 seconds) and turn the oven back on when the door closes. Both actions are forbidden to do even on Yom Tov. Opening and closing the oven door may activate a light, icon or tone. When buying a new appliance nowadays, it is important to see it work in action and learn all the features before using it on Yom Tov (and Shabbos). There is a great feature in some ovens called timed bake that allows the food to bake until a set time. This can be used for Friday night. Often, however, the end of the timed bake is announced with icons, tones, or displays which are cancelled when the door is opened or needs to be manually turned off. A nagging buzzer can disrupt the tranquility of Shabbos.

<sup>78</sup> If you are comfortably able to keep your hand there and don't feel a need to retract it due to the hot temperature, it is not *yad soledes bo*. If, however, it is very hot and painful to keep your hand there, but you can withstand the heat and pain, it may be *yad soledes bo* and should not be kashered.



residual food matter should become *pagum* from the bleach or cleansing agent. (*Lechumro*, place a cup or bowl of water inside and boil for at least twenty minutes.) Once the microwave oven is *kashered* or passed the test, you still must put in a new glass tray or cardboard on the bottom. The glass tray that was used for chometz cannot be used for Pesach and cannot be kashered.

82. **Self-cleaning ovens** may be operated on the cleaning cycle and then used.

It is preferable to kasher a self-cleaning oven and use it for Pesach than to kasher a regular oven in the way described above. Self-cleaning is considered *libbun gamur*,<sup>79</sup> whereas the kashering of an oven by turning on to the highest temperature is *libbun kal*.

### Grills

83. **A grill** cannot be *kashered* by just turning on the gas or electricity. Since food is roasted directly on the grill, it requires *libbun gamur*, which means that it must be heated to a glow to be used. This can be done either by using a blowtorch (which should only be done by qualified and experienced personnel) or by sandwiching the grates between charcoal briquettes and setting them on fire. Alternatively, the grates of the grill can be replaced. The part of the grill cavity that is level with the grate must also be kashered by heating it to a glow. This is because food is likely to have touched that area during barbecuing. The empty grill cavity must be kashered by cleaning, closing the hood and setting it to broil for forty minutes.

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<sup>79</sup> In order for a self-cleaning cycle to be considered *libbun gamur* it needs to reach 900° F (483° C) for two hours. Check with the manufacturer of your oven or check the temperature reached during the cycle to verify that it attained the correct temperature. Not all self-cleaning ovens get this hot.

84. Inserts such as griddles that come into direct contact with food are treated the same as a grill. Therefore, they too would require application of direct heat until the surface glows red. Otherwise, the insert should be cleaned and not used for Pesach. If the grill has side burners, they should be treated like cooktop grates (assuming no food has been placed directly on them).
85. It is easiest to determine that the metal has been brought to a glow in a darkened room. Often, it is more practical to purchase a new grill for Pesach.

### Dishwashers

86. Technically, dishwashers can be kashered if they have a stainless-steel interior and there is no heating element inside the dishwasher that heats up the water. The dishwasher must be thoroughly cleaned. A *dovor pogem* (e.g., cleanser) should be used on every screw, crevice or area that cannot be totally cleaned.
87. After waiting 24 hours from the last time chometz was used, run a complete cycle with soap. If the dishwasher heats up its own water, you have to make sure that the water in the kashering cycle reaches boiling; this is difficult to verify.
88. After the interior has been kashered, you will also need to replace all the racks, rubber and plastic parts (e.g., pumps and hoses). Generally, it is impractical to kasher any dishwasher and it is not recommended.<sup>80</sup>

88.1. **This year, 5781, one may *kasher* the dishwasher (stainless steel) and all plastic parts if you are still affected by Covid-19 and**

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<sup>80</sup> עיין אג"מ או"ח ח"ג סימן נ"ח, ויו"ד ח"ב סימן כ"ח וכ"ט. או"ח ח"א ס"ס ק"ד. ועיין עוד במ"ב תני"ב סק"ז וסק"ח לענין אי מהני הגעלה בלי רותחין.

ולענין הגעלת מדיח כלים מטרף עיין אג"מ יו"ד ח"א סימן מ"ג ח"ב סימן מ"ו וח"ג סימן כ"ח דאפשר להגעיל אחר יב"ח בהפסד גדול ואפילו תוך יב"ח בשעת צורך גדול אם מגעיל ג"פ.

**cannot find other solutions. For more instructions, see Corona Torah at the end of booklet.**

89. If you are not kashering your dishwasher for Pesach, it still should be checked to see if there are any dishes or utensils that have yet to go through a cycle and may have chometz on them.<sup>81</sup>

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<sup>81</sup> It is recommended to inspect a dishwasher that was used during the year for chometz as part of the *bedikas chometz* process. After the dishes have gone through a cleaning cycle, any residual chometz that may have been left on the dishes or cutlery will get washed away in the draining process or remain caked to the sides or get into the filter and become inedible to the point of losing its status as chometz. The standard way of using a dishwasher is to add detergent to the cycle. Any chometz found in the dishwasher after the last cycle is permissible to own (as it is not halachically chometz (*nifsal mei'achilas kelev*)). Nevertheless, it is recommended to open the dishwasher and visually inspect the cavity and the racks for a *kezayis* of chometz before or on the night of *bedikas chometz*. Food particles that entered the filter area are inedible and one is not required to disassemble the filter and check for chometz there. However, for those who scrub and clean before Pesach to remove any amount of chometz (or what once was chometz) from their home, are reminded to check the filter of the dishwasher as well. While this is not necessary to do, one should not protest or ridicule anyone who does such a thorough *bedikoh*.

### List of Kitchen Utensils that Should not be Kasherred

90. **Kitchen items that should not or cannot be kasherred:** An electric mixer, *blech*, *plata* for Shabbos, bread machine, Crock-Pot, sandwich maker, toaster/toaster oven, hand blender,<sup>82</sup> knives with plastic handles, Pasta Maker, waffle iron, enameled pot, and anything made of china, Corelle, Arcolac, CorningWare, Melmac, plastic (e.g., colander), porcelain, porcelain enameled pots, Pyrex, Silverstone, stoneware (man-made stone and a type of ceramic), synthetic rubber, or Teflon cannot be kasherred for Pesach. These items should be washed thoroughly and put away in a completely sealed off area until after Pesach. It is advisable to go over the surfaces of the item with bleach or some other liquid that will make any edible crumbs inedible upon contact. One can also put bleach and water in a spray bottle and spray into the hard-to-reach areas such as in a toaster.

### Kitchen Items that Can be Kasherred and Recommendations

91. A **meat grinder** can be taken apart, cleaned well and all metal parts can be kasherred with *bag'oloh*. All plastic parts should be replaced with new ones and kept for Pesach usage from year to year.
92. **Metal mesh butcher gloves** can be kasherred by soaking in an oil and grease remover for at least an hour, cleaning well with inedible cleansers and perform *bag'oloh* or *irui keli rishon*.
93. **Metal surfaces used for weighing cold food** (as is found in a fruit and vegetable store) should be removed from the scale, cleaned well with a

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<sup>82</sup> Often the hand blender is made of metal and plastic and is used by inserting into a hot vegetable soup and purees the vegetables. Since the pot was used for noodles or other chometz, the flavor of chometz may have entered the plastic part of the blender and is impossible to kasher for Pesach.

*dovor pogem* and reattached to the scale. If it is certain that no hot food was placed on its surface, it need not *irui keli rishon*.

94. An **electric meat slicer** can be kashered by removing the circular blade, cleaning all parts of the machine that potentially come in contact with food and perform hag'oloh on the blade and irui on all other metal parts. Be careful not to ruin the motor and electrical equipment with the water.
95. **Electric cheese graters** can be disassembled, all parts cleaned well with a *dovor pogem*, the blade should undergo *hag'oloh* and all plastic parts should be replaced with new ones and kept aside for Pesach use from year to year.
96. **Tongs** can be cleaned well with a *dovor pogem* and kashered with *hag'oloh*.
97. **Fish scale removers** (simple or electric) can be kashered by cleaning well with a *dovor pogem* and *hag'oloh* on the head. A brush (manual or electric) used to clean the inside of fish can be cleaned very well with a *dovor pogem* (let it sit with the caustic material on it for 5 minutes) and rinse well.
98. **Plastic sealing machines** should be cleaned well (especially the heating element) and operated at the highest temperature for a half an hour.
99. **Containers holding pickled items** need to be cleaned well with a *dovor pogem* and undergo *hag'oloh*.
100. **Sieves** should be replaced and not kashered for Pesach.<sup>83</sup>
101. There are a number of practical considerations used when presenting the items and the recommendation for kashering in this section. Not always does the recommendation follow the logical outcome of the principals of halochah as mentioned earlier. Still, I have shared my recommendation as to what should be done to best avoid problems and have chosen not to offer halachic reasons for the sake of brevity.

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<sup>83</sup> שריע אר"ח תנ"א סי"ח.

### Glass

102. **Glass** was expensive and hard to obtain a century ago and it was customary to *kasher* drinking glasses by immersing them in cold water for three 24-hour periods. This is accomplished by submerging the glasses for 24 hours. The water should then be poured out and replenished and let sit for another 24 hours. This procedure should be repeated a third time, for a total of 72 hours. This procedure of submerging cannot be used for Pyrex or glass that was used directly on the fire or in the oven. In general, kashering glasses is not recommended anymore. Wherever glasses are readily available for purchase, special glasses for Pesach are preferable. **Arcoroc** and **Corelle** should be treated as glass for kashering purposes.<sup>84</sup>

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<sup>84</sup> Glass is a unique material that raises various possibilities with regard to kashering. As a general rule, I recommend obtaining new Pesach glass utensils, as mentioned above. However, I shall offer a brief survey of the relevant *halachos* of glass as it is relevant for all year around and in exceptional circumstances during Pesach as well.

Glass cookware is made by melting a mixture of silicone dioxide and other minerals, followed by controlling cooling. In contrast to metal which has a certain amount of surface roughness, glass has zero porosity; i.e., it is too small to measure with instruments. A glass utensil thus presents a “continuous phase” in contact with food and is highly unlikely to absorb any food particles at all, in contrast to metal which has some surface porosity. Glass is unaffected chemically by foods, corroded only by strong alkali, strong acids, or by hydrofluoric acids, all of which are not found in foods.

This leads many to be rule that glass cannot absorb flavor and cannot become *treif* or *chometzdik*. Others treat glass as other utensils that can absorb flavor and it can be removed through kashering processes and still others that view glass as ceramics that absorb flavor but cannot explete flavors that have been absorbed. Compound that with the awareness that some glass is made with metal and other materials so they can withstand heat. This yields numerous factors to consider when coming to a clear halachic ruling regarding kashering glass for Pesach and all year round.

The following laws are my recommendations and ruling regarding kashering of glass **all-year-round** (i.e. for non-chometz, non-kosher usage). Adherence to these guidelines are a way to ensure that you are keeping kosher properly.

1. Glass includes Arcoroc, Duralex and Pyrex. Corelle and Crystal. Melmac is a plastic. CorningWare should be treated as earthenware.
2. It is advisable to have separate drinking glasses for dairy and meat usage. Nevertheless, it is halachically acceptable to use the same glass for cold or hot drinks during meat and dairy meals. This is often done when using whiskey glasses. Glasses used for both types of meals should be washed separately and not together with the other dairy or meat dishes. Under no circumstance should they be put in the same dishwasher with other dairy or meat items. Once they have been put into a dishwasher, they should be treated as if the food had been cooked on the glass and the principles in the next paragraph apply.
3. Utensils made of glass used for baking cooking or roasting should only be used for either dairy or meat, not both. Glass utensils used for cooking on the fire or in the oven cannot be kashered from dairy to meat or from chometz to Pesach.
4. Glass dishes such as salad bowls or other dishes that are used for cold or *keli sheni* foods, may be used for both dairy and meat meals.

### **Halachic Principles of Kashering Glass from chometz**

5. The Mechaber in Hilchos Pesach (O.C. 451:26) rules that glass does not absorb flavor and thus if used with chometz, after it is cleaned out well may be used for Pesach without being *kashered*. The Ramo, however, adds that since glass is made from sand, the *custom of Ashkenazic Jewry* is to consider glass like *kheres* (pottery or ceramics) and it should be treated as if it does absorb flavor and the flavor will never leave and thus one should not kasher glass that was used with hot chometz for Pesach. Still, the Rama in Darkei Moshe [cited by the Magen Avrohom (451:49)] writes that if one did *Hagolah* on glass, and then cooked with the glass, *bidi'aved* the food need not be destroyed and may be eaten on Pesach. In other words, *lichatchilo* glass is not kasherable for Pesach but if one did kasher the glass and the food was already prepared, *bdei'avad* the food may be eaten on Pesach.

### **Halachic Principles of Kashering Glass from non-chometz issurim**

6. The K'neses Hagedolah (Y.D. 121:25) writes that some only accept the *minhag* (custom) referred to by the Ramo (i.e. to consider glass like *kheres*-ceramic) regarding chometz and Pesach; however, with regard to other non-kosher products used with glass while

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hot, the halochah of Ashkenazim is to view glass as if it does not absorb at all (like the opinion of the Mechaber for Pesach).

7. The Sridei Aish (I:45) adopts a modified version of this. He writes that for *shar issurim* (kashrus matters all-year-round), the *halochah* is to consider it as if the glass had absorbed the non-kosher flavor, but one may kasher it normally as it is was metal.
8. There is no indication from the Shulchan Aruch to support the Knesses Hagedolah or the Sridei Aish's opinion. The contrary seems true. In Yoreh De'ah (121:3), the Shulchan Aruch writes that the *halachos* of *bagalos klei nochrin* are the same as for Pesach, except for the few differences listed. If the Ramo held that avoiding the *kashering* of glass was a minhag exclusively for Pesach, it should have been noted there. Therefore, Ashkenazim should consider kashering glass even from *shar issurim* as *bidi'eved* (and this is the operative policy of the OU). That means, one should not kasher glass, but if one did kasher the glass and food was cooked, the food is kosher. It is noteworthy, that the Ramo only mentions to be stringent with glass as a custom (*minhag*), not *halochah*. When situations arise in which one need not practice customs or if the equivalent of a *bidi'eved* situation arose, one may rely on the Mechaber and assume that no flavor had been absorbed.
  - 8.1. Crystal glasses that were most likely used just for non-kosher wines and whiskies, were most likely just hand-washed with soap and warm water, may be accepted as a gift. It is unlikely that they absorbed non-kosher flavor through heat. It is unlikely they were used to serve hot they most likely not put soup. It is also unlikely they were washed in a dishwasher with non-kosher food. Even if so, the soap added would be *pogem* (negatively affect) any flavor that might be absorbed. Since the absorption of flavor by glass is considered a minhag (custom) and not halochah, one may be lenient in such a circumstance. They should be treated as drinking glasses and kashered using the soaking method. Submerge the clean glasses in water for 24 hours. Change the water and repeat this procedure another two times. The crystal, delicate glasses have now been soaked for a total of 72 hours in three different cycles of water and can be used for kosher products.
9. Some industrial vats that cook flavors and pharmaceuticals are made of metal and lined with enamel (*kberes*) or glass. The glass lining is there to protect the metal from corrosion as the liquids cooked in them have a low ph level (high acidity level) (this may be halachically significant as the vessels should be viewed as having been cooked with *devorim charifim*-sharp foods). A vessel that is lined with glass, and certainly if it is metal lined with enamel, should not be kashered.



103. It's important to note that where *libbun kal* helps, certainly *libbun gamur* is good; where *hag'oloh* helps, surely *libbun kal* is good; where *irui* helps, certainly *hag'oloh* and *libbun* work.
104. **Special Pesach Utensils:** It is recommended that the following items be bought new for Pesach and not kashered: drinking glasses,<sup>85</sup> baby bottles,<sup>86</sup> *blech*, *plata*,<sup>87</sup> plastic colander, dishwasher, water pitchers, coffee maker, hot water urn that was used around chometz, Crock-Pot, china, Corning Ware, Pyrex, sandwich maker, toaster, and toaster oven.

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<sup>85</sup> See next note.

<sup>86</sup> Under special circumstances, one can wash use glasses and baby bottles that were used all year round, for Pesach. Glasses that were used for cold drinks only and baby bottles that generally do not contain very hot drinks, may still have absorbed chametz flavor when they were washed with hot water and there was chametz nearby. Nevertheless, if one was unable to obtain new glasses for Pesach or was unable to complete the cycle of 72 hours of kashering of the glasses and finds himself without glasses for Pesach, or a baby bottle got lost or an infant is particular about which bottle they drink from, in all these situations one may wash the glasses or bottles out very well with soap and rinse them and use them for cold drinks on Pesach. Glasses that are tall and narrow and bottles may be hard to clean well since the entire inner surface may not be accessible. Make sure that you are able to clean every part of the bottle. Should a person have a bottle of that was not used for chometz (e.g., water canteen or cup used when biking or jogging) and you are positive that it was not used for chometz (by you or anyone else) and was not washed with hot water near chometz, one may wash and rinse the container well and use for Pesach (see Shulchan Aruch O.C. 551:6). However, most often people can't be sure that it wasn't used around chometz.

<sup>87</sup> See FAQS section [126](#) and [145](#) regarding using a *blech* and *plata* double wrapped.

## דיני חולה בפסח

### חולה שיש בו סכנה

105. חושיב"ס, בין שהמחלה שיש לו עלולה לסכנו, בין שהמחלה שיש לו אין בו סכנה אבל עלולה מזה להביא למחלה אחרת שהיא מסוכנת,<sup>88</sup> מותר להתרפאות מחמץ, בין מאכילתו ובין מהנאתו, שנאמר וחי בהם ודרשין ולא שימות בהם. וידוע דנדחית כה"ת מפני פיקוח נפש מלבד ג' החמורות.<sup>89</sup> אולם כדי שחושיב"ס יאכל חמץ לרפואה צריך שיתקיים שלשה תנאים:<sup>90</sup>

105.1. שא"א לדחות הרפואה והתרופות עד לאחר הפסח.

105.2. שאין דרך להתרפאות בהיתר רק באיסור.

105.3. התרופה שלוקחים היא תרופה בדוקה וידועה.

106. אם לפני החג נודע על הצורך לתרופות של חמץ, נכון לבטלו בששים לפני שקיעת החמה של ט"ו ניסן. אופן הביטול מבואר לקמן.

### חולה שאין בו סכנה

107. אסור לחושאב"ס, (כלומר דלא שייך שיבא לידי סכנת נפשות), להתרפאות מאכילת או הנאת חמץ בפסח, אפילו מאיסור משהו של חמץ ואפילו מאיסור דרבנן של חמץ.

108. אמנם לענין חמץ שעבר עליו הפסח יש להקל דחושיאב"ס שרי ליהנות ממנו ואף שרי ליה לאכלו.<sup>91</sup>

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<sup>88</sup> ע' אג"מ או"ח ח"ג סצ"א. וידוע מה שר' ישראל סלנטר צוה בשעת מחלת cholera שכל בני העיר הבריאים לא יצומו ביוה"כ, שעלולה המחלה לידבק ברעבים יותר מאילו לא היו רעבים. ולכן כדי שלא יחלו, התיר איסור תורה.

<sup>89</sup> ז"ל הרמב"ם פ"ה מיסוה"ת ה"ו ומתרפאין בכל האיסורין שבתורה במקום סכנה חוץ מע"ז וג"ע ושי"ד שאפילו במקום סכנה אין מתרפאים בהם עכ"ל.

<sup>90</sup> כ"ז נמצא בשע"ת סימן תס"ו סק"א בשם תשובת הב"ח החדשות סימן ו'.

<sup>91</sup> כ"מ משעה"צ תס"ו סק"ד דבמקום חולי לא גזרו חז"ל. ומסתימת דבריו משמע דה"ה באכילה לא גזרו, אמנם עיין בח"י תס"ו סק"א דהביא בשם הרשב"א והר"ן דאפשר שעשאהו כשל תורה

## קטניות

109. חושאב"ס שנצרך לתבשיל קטניות, מותר לאכלן.<sup>92</sup> ונכון כשמבשלים אותם

לחולה, להכניסם לקדירה כשהמים כבר רותחים.<sup>93</sup>

110. ואם בישל קטניות בכליו של פסח לצורך חולה (או לקטן הנצרך לכך או

לספרדי), יכול לבשל באותם כלים לאחר מעלי"ע לאלה שאינם אוכלים קטניות.<sup>94</sup>

111. ואם נתבשל אוכל בכלים שודאי יש בהם טעם קטניות ב"י, כגון שידוע שתוך

מעלי"ע בישל בהם קטניות, מ"מ לא נאסר התבשיל בדיעבד,<sup>95</sup> דקטניות בפסח

בטילים ברוב כמשי"כ הרמ"א תנ"ג ס"א, ובודאי איכא רוב בתבשיל כנגד טעם

הקטניות הנפלט מהקדירה לאוכל.<sup>96</sup>

112. אבל אסור לכתחילה לבשל בקדירה שיש בו טעם קטניות ב"י.<sup>97</sup>

113. ולכן נראה דאורח אשכנזי שמתארח אצל ספרדים, אע"פ דאסור לו לאכול

מאכלי קטניות, מ"מ מותר לו לאכול מה שנתבשל בכלים ב"י של קטניות או ד"ח

בכלים אב"י, דהרי בשלו בעיקר בשביל עצמם, ואע"פ שהוסיפו בשבילו מ"מ לא

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לענין אכילה ויהא אסור לחושאב"ס לאכלו. ועיין בכה"ח תס"ו סק"ח דהביאו. ומ"מ נראה דיש להקל בחמץ שעבר עליו הפסח דאינו אלא מדרבנן והראשונים רק כתבו בדרך אפשר, וכסתימת השעה"צ.

<sup>92</sup> מ"ב תנ"ג סק"ז.

<sup>93</sup> מ"ב שם בשם הח"ס בתשובה סימן קכ"ב דאפילו במקום שיש להתיר מ"מ יחלטנו לכתחילה ברותחין דכל מה דאפשר לתקן מתקנינן וכ"כ בח"א עכ"ל.

<sup>94</sup> כ"כ בכה"ח סימן תנ"ג ס"ק כ"ז בשם אחרונים וביניהם הפרי"ח תצ"ו ס"ק כ"ד.

<sup>95</sup> כלומר לאחר שכבר נתבשל מותר לכתחילה לאוכלו.

<sup>96</sup> ובמ"ב תנ"ג סק"ח כתב דאם ניכר ורואין גרגרין של קטניות צריך לזרקן. אבל בנד"ד דמיירי לענין טעמא בלבד, בטל ברוב, כמשי"כ במ"ב שם סק"ט. ועי"ע בבאר יצחק סי"א דא"צ אלא משהו בהיתר יותר מהקטניות. וגם הח"י ס"ל דסגי ברוב והוסיף טעם דבלא"ה היא חומרא והרחקה בעלמא, וכ"ד הח"א והגר"ז. אולם בפמ"ג א"א תס"ד סק"א מדייק מלשון התה"ד סימן קי"ג דקטניות אוסרים בששים, ונ"ל דלא קי"ל הכי.

<sup>97</sup> עמ"ב תס"ד סק"ו דמיקל אם נפל חרדל לתבשיל אינו אוסר אבל משמע דאסור לבטלו בידים. וכ"כ בחק יעקב ס"ס תס"ד. ובגר"ז שם כתב דאם בישל בקדירה ב"י של קטניות במזיד התבשיל אסור באכילה. ועי"ע באבני"ז סימן שע"ג.

ערבו טעם הקטניות במזיד בשבילו. וטעם הקטניות נתבטל ברוב המאכל שאיננו קטניות.<sup>98</sup>

### כדורים מותרים

114. כדורים וגלולות אף אם עשויים מחמץ גמור מותר לבולעם בפסח לרפואתו. לא מיבעיא לחושיב"ס אלא אף לחושאב"ס ואף למיחושים בעלמא. ומדינא א"צ לבדוק במדריכי כשרות לתרופות שהם כדורים, גלולות וטבליות דהרי נפסלו מאכילת כלב קודם פסח ואינם בכלל אוכל.<sup>99</sup>

### כשיש בכדור אוכל שהוא חמץ

115. והנה לפעמים מכסים הכדור בציפוי הראוי לאכילה כדי שיהא בו טעם.

116. וה"ה תרופות שהם באים בנוזלים, לפעמים יש בהם כהל (grain alcohol) שבא מחמשת מיני דגן והוא חמץ גמור, ולפעמים יש חמץ בטעם שמוסיפים לתרופה כדי שיהא קל לשתותו. לתרופות כאלו, (שיש בהם ציפוי, או שבאים בנוזל) ראוי לבדוק במדריכי הכשרות שיוצאים כל שנה ולברר שהם כשרים לפסח.

117. אולם אם יש תרופה שיש בו טעם או שהוא משקה, והוא חמץ, עדיין ישנה דרך לקחת אותם בפסח, אלא דיצטרך להכין לכך מלפני פסח. והיינו שיערב החמץ תוך מאכל לפני פסח עד שיהיה בטל בששים דחמץ בטל בששים לפני פסח.<sup>100</sup>

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<sup>98</sup> וכ"נ ממשי"כ הכה"ח סימן תנ"ג ס"ק כ"ז בשם הזרע אמת ע"ש.

<sup>99</sup> ואע"פ דכוונתו לבולעו וס"ד דיאסר משום דאחשביה לאוכל, מ"מ כבר כתב באג"מ או"ח ח"ב סצ"ב דלא שייך אחשביה בדבר שלוקח לרפואה דאף דברים מרים ומאוסים נוטלין לרפואה. וכע"ז כתב החזו"א באו"ח סימן קט"ז סס"ק ח' דאף אם מעורב בסמים חמץ להחזיקו ככדור וכדומה, לא שייך כאן אחשביה דדעתו על הסמים, ולכן מתיר לבולעם אם אינן ראויים לאכילה.

<sup>100</sup> תמ"ז ס"ב.

118. ואע"פ דרוב הפוסקים<sup>101</sup> ס"ל דאסור לבטל חמץ לפני פסח ע"ד לאוכלו בפסח דהוי כמבטל איסור בידים,<sup>102</sup> מ"מ יש פוסקים המקילים לבטל חמץ לפני פסח כדי לאוכלו בפסח, דס"ל דלפני פסח איננו איסור דהרי הוא זמן היתר,<sup>103</sup> וכבר הכריע במ"ב תנ"י סק"כ דבשעה"ד אפשר דיש לסמוך על המקילין, והפוסקים סומכים ע"ז במה שנוגע לתרופות לחושאב"ס.<sup>104</sup>

119. אולם לאחר שמערב החמץ באוכל, ורוצה לאוכלו בפסח, כתב בחזו"א<sup>105</sup> דכל שמערב בידים ע"מ לאכול החמץ בפסח, כשבא לאכול בפסח יש כאן אחשביה, דהרי השתא אי"ז נפסל מאכילה והוי אוכל גמור שנתבטל בתוכו חמץ ומחשיבו כאוכל, ולא רק מה שהיה אוכל מעיקרא חשיבא אוכל אלא גם אותו משהו חמץ שבתוכו, אף אם מעיקרא היה נפסל מאכילה, השתא דנתערב באוכל כאוכל חשוב לגבי ידיה, ויאסר מדרבנן משום אחשביה, ומשו"ה יצטרך לעשות מאוכל זה כמוסות (capsules), ולבלוע הכמוסה, או לעטפו בנייר ולבלוע דאז ליכא אחשביה.<sup>106</sup>

### נתבשל בכלי חמץ

120. והנה אם יש תרופה שכל מרכיביה אינם חמץ, וכדי להשקותה לקטנים טוחנים התרופה ומוסיפים האבקה הבאה מהטחינה לסוכר שג"כ איננו חמץ אלא שמבשלים הכל בכלי חמץ אינו בן יומו<sup>107</sup> בכדי לעשותו לסיראפ (syrup) טעים

<sup>101</sup> עיין שעה"צ תנ"י סק"ל דהרשב"א, ר"ן, מהר"ם, פר"ח, ובית מאיר אוסרין.

<sup>102</sup> ז"ל המ"ב תמ"ז ס"ק ק"ב כתבו האחרונים דאסור לערב חמץ לכתחילה קודם הפסח בששים כדי לאוכלו בפסח אבל מותר לערב בששים כדי לשהותו עד אחר פסח עכ"ל.

<sup>103</sup> וכ"ד ה"ט"ז תמ"ז סק"ה וח"י שם ס"ק ט"ז ומ"א תנ"י ס"ק מ"ה וח"א.

<sup>104</sup> ובודאי לחושב"ס יש לעשות כן כדי למעט האיסור, עמשכ"ל בחושב"ס בתנאי השני.

<sup>105</sup> סימן קט"ז ס"ק ח' בסוגריים וז"ל ואף למאי דמשמע מאחרונים ז"ל דלאכול לכתחילה אסור אפילו חמץ שנפסל מאכילת כלב וכמש"כ סק"ז, מ"מ ע"י תערובת שאר דברים מותר דלא שייך כאן אחשביה דדעתו על הסמים וכו' עכ"ל, וביתר ביאור בסימן קי"ז סק"ה.

<sup>106</sup> דהוי כאוכל סיב. וכאמור, מהמ"ב נראה דלא חושש לאחשביה אף שמערבו כדי לאוכלו בפסח.

<sup>107</sup> כלומר שלא נתבשלו חמץ בכלי הזה תוך 24 שעות האחרונות.

להשקותו לקטנים, ועושה כן כדי למוכרו ללקוחות במשך השנה, התרופה הזאת כשר לפסח. דמשי"כ הרמ"א להחמיר בתמ"ז ס"י כשנתבשל אוכל בכלי חמץ שאב"י, בד"א כשנתבשל בפסח עצמו דחז"ל אסרו אפילו משהו של חמץ בפסח, ונטלי"פ דינו כמשהו,<sup>108</sup> ובזה נהגו העולם להחמיר.<sup>109</sup> אמנם אם נתבשל אוכל בכלי חמץ אב"י קודם הפסח לכו"ע שרי לאוכלו בפסח כדאיתא ברמ"א תמ"ז ס"ב ע"ש. ואף בלא ידוע אם היו הכלים ב"י או לאו אמרינן סתם כלים אינן ב"י כדמפורש בכמ"ד.<sup>110</sup>

121. ולכן נלע"ד דאף אם יעשה בית המרקחת ייצור מיוחד בכלים חדשים או שכשרים לפסח, א"צ לקנות דוקא התרופה המיוחדת שעשו במיוחד לפסח, ושפיר רשאי להשתמש בפסח בתרופה שנתבשלה בכלי חמץ אב"י לצורך שימוש לכל ימות השנה.

### סיכום לתרופות

122. בסיכום, תרופות שהם מרים ויבשים ככדורים מותרים בפסח אף אם יש בהם חמץ, ואם יש בהם תוספת טעם שהם חמץ, או שהוא נוזלי ובמשקה יש חמץ, יש לבטלו בששים לפני פסח ולבולעו באופן שלא יהא אחשביה כנ"ל. ואם לא עשה כן, אסור לחושאב"ס לאוכלו בפסח, ולחושבי"ס שרי ע"פ התנאים שהוזכרו למעלה. אם נתבשל אוכל הכשר לפסח (וה"ה תרופות) בכלי חמץ אב"י, ולא נתכוין לבטלו במזיד, האוכל (או התרופה) כשרה לפסח.

<sup>108</sup> תשובת הרשב"א רס"ב וסימן תצ"ט דלא כתוס' ע"ז סו. ד"ה מכלל, דס"ל דנטלי"פ אינו אפילו כמשהו.

<sup>109</sup> המחבר תמ"ז ס"י מיקל, אולם בכה"ח תמ"ז ס"ק ע"ו וס"ק רל"א כתב דגם הספרדים נוהגים להחמיר בזה כהרמ"א.

<sup>110</sup> ואין לומר דהוי כערבו במזיד, דא"י אלא כשרוצה לתקנו עם חמץ כמשי"כ במ"ב תמ"ז סק"ד, ועוד הרי עשאו לתרופה למוכרו סתם לימות השנה ולא ידע שצריכים אותו דוקא לפסח.

## FAQS

### שאלות שכיחות

#### מיחם מים וקומקום חשמלי

123. **מיחם שבת לחימום מים** - האם אוכל להשתמש במיחם מים של שבת בפסח לאחר שאנקה אותו? אני בטוח שלא נכנס חמץ פנימה למיחם שבת, אך מעליו, בחלק החיצוני העליון שעשוי מפלסטיק חיממתי בעבר חמץ. אך החמץ עטוף בשקית נייר ולא נפלו פירורים.

123.1. **קומקום חשמלי רגיל להרתחת מים** - האם אוכל להשתמש בו במהלך הפסח לאחר שיעבור ניקיון? אני בטוחה שלא נכנס חמץ בפנים אך בחוץ אין לי דרך לדעת האם בעבר נגעו פירורי חמץ. בוודאות לא חיממתי באמצעותו שום חמץ.

123.2. **תשובה:** אין להשתמש במיחם מים של שבת או קומקום חשמלי רגיל להרתחת מים בפסח. החמץ התחמם ונבלע בכותלי המיחם. ואפילו אם לא ידוע שהושם חמץ על המיחם, יש לחשוש שנבלע איזה שהוא פעם בחמץ ולא שם לב לכך.

123.3. **ולענין קומקום חשמלי מלבד האי ידיעה אם נבלע חמץ יתכן שפעם שפכת מים חמים לדייסא או שבולת שועל ויש חשש שהקומקום בלע חמץ עי"ז.**

123.4. **יש לקנות מיחם וקומקום לפסח או סיר קטן שאפשר להשתמש בו לבשל מים ביו"ט לצורך מים חמים.**

#### Hot Water Urn

124. I have a hot water urn that I use for Shabbos. It is made of stainless steel, but the lid is plastic. I would like to know if I could kasher it for Pesach. The issue is, I occasionally warmed up challah on top of it, and am wondering if that is a problem.

124.1.     Warming up challah on the plastic cover of the urn makes the lid *chometzdik* and plastic cannot be kashered. You need to clean the urn and put it away for Pesach. It should not be sold otherwise you will need to *tovel* it again. Just put it away so that it won't inadvertently be used for Pesach.

124.2.     Can I kasher the urn for Pesach, and just not use the lid? (I could use a kosher LePesach pot cover, or maybe just tin foil.) I am trying to avoid buying a new one. The entire thing is made out of stainless steel and has never come into contact with chometz. It isn't in the kitchen. The only plastic is the lid, which I will put away, and the spout. Is this an option?

124.2.1.     If you are certain that it did not come into contact with chometz you can use it for Pesach. The fact that it is not in the kitchen is helpful, but unless you consciously made sure that it should remain Pesachdik, from a halachic perspective, you cannot be sure that it came in contact with chometz and were unaware or don't recall.

124.2.2.     If it is all metal and you can clean it from all the calcium buildup and other dirt/grease, then the main body is kasherable in boiling hot water and you would have to avoid using the plastic lid. However, since the spigot is made of plastic and the hot water passes through there, the entire urn is not kasherable for Pesach. Next time when you buy an urn, make a conscious decision to



keep it chometz-free for Pesach and then if you are sure that no chometz ever touched the urn it may be used for Pesach.<sup>111</sup>

### Coffee Maker

125. I have a coffee/espresso maker. It uses ground coffee. I have only used plain unflavored coffee in it. I have bought different brands of coffee throughout the year. Is it possible to *kasher* it for Pesach or is it best not to use it?

125.1. It's impossible to answer definitively without seeing the coffeemaker. However, usually there are parts of the coffee maker that are plastic or tempered glass that can absorb chometz flavor. Using the coffee maker in a chometz kitchen can expose it to becoming *chometz-dik* without even being aware of it. Hot chometz may have fallen on some part of the coffeemaker. Once it is chometz it usually cannot be kashered.

125.2. Some coffees are produced on equipment used for chometz. However plain ground unflavored coffee is always kosher for Pesach. So, if you are certain that you never used anything but unflavored ground coffee in the coffeemaker you do not need to be concerned about the coffee, just absorption of other chometz on the sides or parts of the coffeemaker.

### פלטה של שבת

126. האם אני יכול להשתמש בפלטה של שבת לכל השנה לשבת פסח לאחר שאנקה אותו ואעטוף אותו כמה פעמים בנייר כסף?

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<sup>111</sup> If you have a special urn for Pesach and want to clean the limescale, you can use citric acid with a Sefardic *bechscher* (for those who consume *kitniyot*) to boil in the urn. Kosher for Pesach vinegar might also work.

126.1. יש לקנות פלטה חדשה לפסח ולא להשתמש בפלטה שמשתמש לכל השנה אפילו אם מנקים אותו ומכסים אותו בנייר כסף. אם מנקים אותו טוב אם דבר פוגם ומכסים אותו בנייר כסף פעמיים והאוכל ששם על הנייר העליון יבש, מעיקר הדין אין דרך שהאוכל יבלע טעם חמץ, אמנם לדעתי אין הדבר כדאי. הרי אם ישפך מעט רוטב וכל דבר לח ויעמוד בין הפלטה לניירות כסף והאוכל שחומם בפלטה, יאסר האוכל באכילה מטעם שנבלע טעם פגום של חמץ ולא יהיה למשפחה ולאורחים מה לאכול. מניעת שמחת יו"ט, העגמת נפש והנסיון שיהיה אם קצת רטיבות יהיה על הפלטה לא כדאי. בהמשך יש שאלה דומה באנגלית.

### קפה, תה וקקאו סגור בלי הכשר מיוחד לפסח

127. קפה (נמס/שחור), תה, קקאו שהיו סגורים לפני פסח, האם ניתן להשתמש בהם בפסח אם לא כתוב בהם "כשר לפסח"?

127.1. לא. מוצרים אלו צריכים הכשר מיוחד לפסח.

**האם אפשר להוסיף חמץ בארון המסומן כדי שימכר? מה לעשות אם חמץ שנמצא בפסח?**

128. האם לאחר שביצעתי מכירת החמץ אצל הרב מותר לי לפתוח את ארון החמץ ולהכניס בו מוצרים נוספים?

128.1. כשאת מבקשת מהרב למכור את החמץ, אין זה ביצוע מכירת חמץ. אין הרב קונה את החמץ אלא את ממנה את הרב שליח למכור את החמץ. ולכן אפשר להכניס לארון החמץ מוצרי חמץ שהיו לך בשעה שמנית את הרב שליח למכור את החמץ ולא היו אז בארון. ערב פסח בבקר זמן האחרון שאפשר להכניס לאותו ארון מוצרי חמץ למכירה. יש לברר עם הרב את השעה האחרונה המדויקת. יש להמנע מלקנות מוצרי חמץ לאחר מינוי הרב לשליח למכור החמץ. ואם קנית עוד מוצרים, ראוי להתקשר אליו ולמנות אותו שוב על החמץ החדש שנקנה וברצונך למכור לנכרי.

128.2. אם מצאת בהמשך הפסח (בחול המועד) מוצרים שהם חמץ, א"צ לבער אותם אלא המכירה חלה גם עליהם, ומכניסים אותם באזור החמץ. ואם נמצא ביו"ט עצמו, מאחר והם מוקצה עד לאחר הבדלה, יש לכסות את החמץ עם כלי שלא יבא לאוכלו בטעות, ולאחר הבדלה להכניסו בארון עם שאר החמץ שנמכר. מי שלא מכר חמץ בפסח, ומצא חמץ, יפררו וישים החמץ באסלה בשרותים או ישפוך עליו אקונומיקה לפסלו מאכילת אדם וחיות.



למרות שאני רואה אותם? או אולי עדיף לא לפתוח כלל את הפריזר במהלך הפסח?

132.1 מותר לפתוח ולהשתמש בפריזר אף שרואים אותם, והם פירורים ולא מצטרפים לכזית. מן הראוי לפגום אותם ע"י השפצת אקונומיקה עם מים או שאר נוזל שיפסלם מאכילת בע"ח.

#### **איך להכין ארונות מטבח שלא תשתמשי בהם לפסח?**

133. כל כלי המטבח בהם היה חמץ נמצאים בארונות התחתונים ואיני מתכוונת לפתוח אותם במהלך הפסח. האם עלי לנקות בתוך הארונות הללו או שמספיק לנקותם מבחוץ? על פניו זה נראה נקי אך אין לדעת אם לא נפלו שם פירורי חמץ. האם עלי לסגור אותם עם נייר דבק ולכתוב על זה פתק (אם רק אני נמצאת בבית)?

133.1 כלים שהשתמשו אתם לחמץ כגון סכ"ים, סירים צלחות וקערות, א"צ לנקות הארונות או מגירות אלא לפותחן ולהסתכל אם יש בהם כזית חמץ. יתכן ותצטרכי להרימם כדי לראות בכל אזור הארון והמגירה. אמנם הכלים עצמם א"צ לבדיקה אם את נוהגת לשים אותם בארון ומגירה נקיים לאחר שטיפה וייבוש.

עצה טובה לסגור אותם אם נייר דבק כדי שלא לבא להשתמש איתם בפסח שמתוך השגרה יתכן ותנסי לפתוח הארון והמגירה כדי להוציא כלי אכילה ובישול הבלועים מחמץ, והדבק יהיה תזכורת טובה.

#### **הכנת שיש מטבח לפסח-לכסות או לנקות?**

134. שיש-האם לכסות את השיש בנייר כסף או שמספיק לנקותו ולשפוף עליו מים רותחים?

134.1 אפשר לכסות ואפשר להכשיר וא"צ לעשות שניהם. יש הסבר מפורט במדריך זה באנגלית.

#### **הכנת כיור**

135. הכשרת כיור -האם מספיק לנקותו ולשפוף עליו מים רותחים או שעדיף לא להשתמש בו כלל במהלך הפסח?

135.1 אפשר להכשיר ולהשתמש לכתחילה. יש הדרכה באנגלית במדריך זה.

### **Hand-mixer used for vegetables only-Kosher for Pesach?**

136. My daughter has a hand-mixer that she uses to make vegetable soup. There are never any chometz ingredients in the vegetables being blended and the soup is made in a clean pot that is sometimes used for making pasta. The blades that blend the vegetables do not come in contact with the surface of the pot although the plastic surrounding it does. When she uses the mixer, the soup is hot to the point of *yad soledes*. Does the mixer need to be kashered for Pesach? Can it be kashered for Pesach?

136.1. The hand-mixer usually has a metal blade and plastic parts that enter the soup and pot. Since the vegetable soup is hot, the soup has absorbed chometz flavor that was in the pot and transferred it to the metal and plastic parts of the mixer. The metal can be kashered for Pesach but the plastic parts that absorbed chometz flavor cannot be kashered for Pesach. Therefore, you cannot use this hand-mixer for Pesach food.

### **Kashering a skillet**

137. I was given a milchig iron skillet 2 years ago and have never used it. In my neighborhood there are men who have large pots of boiling water and kasher utensils. Can I bring the skillet and kasher it in the boiling water and use it for Pesach and fleishig?

137.1. A skillet needs to be kashered with Libbun (extreme heat and fire, see kashering section); boiling water (*hago'oloh*) is not sufficient. This can be done by putting it in a self-cleaning oven which gets extremely hot.

137.2. Whenever you kasher for Pesach, you can switch from milchig to fleishig.

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### Used a *non-kosher lepesach* toaster oven on Yom Tov

138. I mistakenly assumed that I can kasher my toaster oven. (I cleaned the racks and oven as best I could with a good cleaner and turned on the heat to maximum for 40 minutes.) Now that I saw your guide on Pesach, I realize that it is not acceptable. However, what do I do with the food I prepared for the *shevi'i shel Pesach*? Must I destroy it, can we use it? Can it be saved for the Shabbos after Pesach?

138.1. I shall present the principles and then apply them to your situation. A mixture prepared on Pesach that has a large ratio of chometz to the pesachdik food (3ml/135ml) must be destroyed immediately. If it was eaten, one is *chayov keares*.<sup>112</sup>

138.2. If there is no chometz material in the mixture but it does contain the flavor of chometz, the entire dish must be destroyed and cannot be eaten on Pesach. If one did not destroy it, it may be consumed after Pesach if there would be a great loss were one to destroy it.<sup>113</sup>

138.3. If the flavor of chometz was mixed into the dish and is not detectable (less than *shishim* or pesachdik food was cooked on Pesach

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<sup>112</sup> אבל אם אין בו כזית בכא"פ אבל יש בו כזית בכל התערובת, עובר משום בל יראה ובל ימצא על אותו כזית אבל ליכא כרת באכילתו. אולם עובר איסור תורה באכילתו כל שיש בו טעם כעיקר אולם ליכא מלקות. וממ"ב ריש סימן תמ"ב סק"א דכתב דלהרי"ף ורמב"ם (שעה"צ סק"ב) אפילו לאו אין בו, צ"ל דר"ל דאין לוקין עליו אבל ודאי דטעם כעיקר מה"י ויש בו איסור תורה כשאוכלו. וכל שעובר עליו בבל יראה, חייב לבערו בפסח, ואם לא ביערו, אסור באכילה ובהנאה לאחר הפסח.

<sup>113</sup> עיין מ"ב תמ"ב סק"א דהביא בזה מחלוקת הפוסקים ד"א דעבר על ב"י וב"י כיון שאסור מה"י לאוכלו ואסור בהנאה לאחר הפסח, ו"א (חק יעקב) כיון דאין בו ממשות לא קעבר על ב"י וב"י ומ"מ אסור להשהותו בפסח מדרבנן כדי שלא יבא לאוכלו, ומותר באכילה לאחר הפסח (וכ"ד המקור חיים בביאורים) והכריע דבהפ"מ יש להקל כח"י. ובפמ"ג ובגר"ז ס"ל דלכתחילה יש להחמיר כח"ס (תשובה ק"ח). ולכן אם אפשר יש למכרו לנכרי חוץ מדמי חמץ שבו. ואם א"א, ויהיה הפסד אם לא יאכלו אותו, מותר לאוכלו.

in a chometz pot that was *eino ben yomo*<sup>114</sup>), it should not be left around during Pesach to avoid someone from eating it. (However, there is no prohibition to own such a mixture on Pesach). It should be destroyed or sold on Pesach. If it was kept over Pesach, it may be used after Pesach since there was no violation of *bal yeroeh* or *bal yimoztei*.

- 138.4. A toaster oven that was cleaned well should not have any residual food particles on the tray or the walls of the oven. If the toaster was sprayed well, any chometz particles stuck to the oven would be inedible. If the food was put on a pan on the tray and the food was completely covered, then bedieved the food will be kosher lepesach provided there was no spillage or moisture between the pan of food and the tray. If the food was left open, there is concern of vapor rising from the food (especially if there was liquid in the dish and the vapor would draw from the chometz flavor in the walls of the toaster oven and fall back into the dish. The chometz flavor is presumably *eino ben yomo* and also likely did not add enough flavor the dish to make the chometz flavor detectable (more than *shishim*), therefore, there is no violation of *bal yeroeh ubal yemotze*. However, if vapor was visible, or there was a lot of liquids, you should assume flavor transferred between the walls of the oven and the uncovered food. In this situation, the food should be sold or given to a non-Jew or destroyed on Pesach. If there was not a lot of liquid added and you did not notice vapors in the oven, you do not need to assume flavor passed between the walls of the oven and the uncovered food, and if there was no moisture on the rack the pan of food was placed on, bedieved, the food is still Pesachdik. Since it was in a small toaster

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<sup>114</sup> חיי אדם קכ"א ס"א ע"פ רמ"א תמ"ז ס"י ומ"ב תמ"ב סק"א.

oven, I recommend not to eat the food on Pesach, but it may be saved and used after Pesach.

### ***Ben chutz la'aretz* cooking for *ben EY* on 2<sup>nd</sup> day of Yom Tov**

139. We live in Israel but will be spending Pesach abroad (*Chutz Laaretz*). May our hosts cook for us on *Yom Tov Sheni* or would that be as if they were cooking from *Yom Tov* for *chol*? Perhaps it is the halachic equivalent as if my hosts were cooking for non-Jews on Yom Tov?

139.1. It is permissible for a *ben chutz laaretz* to cook for the *ben Eretz Yisroel* on the first or second days of *Yom Tov sheni*. Not only may the *ben chutz laaretz* add to the pot of food that he has prepared for himself, he may even cook a dish especially for *bnei Eretz Yisroel* who are visiting *chutz laaretz*.<sup>115</sup>

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<sup>115</sup> The concern is that the cooking may be considered as if one were cooking for weekday or for non-Jews. There are two reasons that allow this practice and each one is valid independent of the other:

1. Since the Israeli's are guests of the *bnei chutz la'aretz* and it is the responsibility of the *bnei chutz la'aretz* to provide them with food (and were they not to cook for them they would be without easy access to food) it is considered as if they are cooking for Jews and permitted.
2. Since the *bnei Eretz Yisroel* are in *chutz la'aretz*, they must keep the laws of *chutz laaretz* even in the privacy of their own rooms. Thus, it is considered Yom Tov for them and the *bnei chutz laaretz* are cooking for people that have some connection association to the Yom Tov. This is true even on the last day of Yom Tov when it is technically *isru chag* for the *bnei Eretz Yisroel* (see Shaarei Teshuva 496 in the name of Maharitatz vol. 1 139). While the Maharitatz offers yet a third reason, these two reasons have been confirmed and accepted by Rav Shlomo Zalman Auerbach.

Accordingly, in a similar but slightly different circumstance, the law may be different. Often Seminary students from *chutz la'aretz* stay in Eretz Yisroel over Yom Tov and are required to keep two days of Yom Tov while the rest of the country only keeps one day of Yom Tov. Were a dorm counselor (who is a local *ben Eretz Yisroel* and keeps only one day of



### Performing *melachos* for *bnei chutz la'aretz* on 2<sup>nd</sup> day of Yom Tov

140. We have religious relatives who live in the U.S.A. who will be visiting us for Pesach here in Israel. Are we allowed to perform *melachos* for them on *Yom Tov sheni*? May they instruct us to do *melachos* for them? We can't always figure out what they would need so it is helpful if we can ask them to let us know what it is they would like us to do for them.

140.1. You may voluntarily perform *melachos* for your relatives when it is *Yom Tov sheni* for them and *chol hamoed* or *chol* for you. However, they may not instruct you or even hint to you that they would like you to do a *melochoh* which is forbidden for they themselves to do on *Yom tov sheni*. If a *ben chutz laaretz* did ask a *ben Eretz Yisroel* to do a *melochoh* for him, the appropriate response is:

140.1.1. "Since it is *Yom Tov* for you, I cannot fulfill your request. *Halochoh* would view my behavior as a fulfillment of your *shelichus* and as if you had performed the *melochoh*. *Halochoh* does not even allow a Jew to ask a gentile to do *melochoh* on *Yom Tov* even though there is no *shelichus* to a gentile."

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*Yom Tov*) be interested in a cooked egg on *Yom Tov Sheni*, perhaps the *ben chutz la'aretz* who is keeping two days of *Yom Tov* would not be able to cook the egg for the *ben Eretz Yisroel*. Neither of the two reasons apply. The *ben Eretz Yisroel* is not the guest or the responsibility of the *ben chutz laaretz* nor is the *ben Eretz Yisroel* keeping two days of *Yom Tov*.

The Maharatz offers yet a third reason for his ruling in his case. Since on *chol hamoed* or *isru chag* there is a mitzvah to feast as well, the *ben chutz la'aretz* is preparing a meal in honor of *Yom Tov* for the *ben Eretz Yisroel*. If this reason is also acceptable, then that would apply in the case just mentioned. *Kaf Hachayim* 496:47 offers yet a fourth reason to be lenient. In light of the circumstances, it would seem to this writer that the best course of action is to allow the Seminary student to cook for a *ben Eretz Yisroel* on *Yom Tov sheni*, provided the food is in the same pot as her own food or the *ben chutz laaretz* tastes some of the food prepared especially for the *ben Eretz Yisroel*.

140.1.2. However, once the *ben Eretz Yisroel* is aware of the wishes of the *ben chutz laaretz*, at a later time, he may perform the *melochoh* for the *ben chutz laaretz* if it is clear to both parties that the activity is not being done as following the request or instruction of the *ben chutz laaretz* but as a voluntary gesture to make the *ben chutz laaretz's* *Yom Tov* more pleasant.

140.2. Since the entire issue of a *ben Eretz Yisroel* following the directive of a *ben chutz laaretz* is in dispute, should a *ben Eretz Yisroel* have violated the halochah as presented herein and performed the *melochoh* on behalf of the *ben chutz laaretz*, nevertheless there is no penalty and the *ben chutz laaretz* may benefit from the *melochoh*. Furthermore, since it is a matter of halachic dispute where there is a pressing need for the purpose of *Yom Tov*, it is advised to ask a competent Rav as he may find a basis for leniency, depending on the circumstances.

### **Non-observant guests in Israel from *chutz la'aretz* on 2<sup>nd</sup> day of *Yom Tov***

141. Our relatives joining us from *chutz laaretz* for *Yom Tov* are not yet observant. While they will be respectful for the first day of *Yom Tov* and avoid *melochoh* as we do, how should we approach *Yom Tov sheni*? They will see us bnei Eretz Yisroel doing *melochoh* and we know that they are required to keep two days of *Yom Tov*. Must we inform them that they are in violation of halochah when they do *melachos*?

141.1. It is advised not to inform them of the requirement of *bnei chutz laaretz* to keep two days of *Yom Tov*. Since the requirement of *Yom Tov sheni* is of rabbinic origin, it is best that they violate the laws without realizing it rather than informing them which would be a greater violation since they were informed. It is unlikely that they will keep two days of *Yom Tov* when they see you, their religious relatives

acting as if it is *chol*. Therefore, as long as you do not encourage them to violate the *halochah* or enable them to violate Yom Tov sheni, you can observe how they ignore Yom Tov sheni without being required to protest. However, you may not drive them anywhere or have them join you on trips as that would be enabling them to leave the *techum* and other *melachos*.

### **A ben Eretz Yisroel in Chutz La'aretz and Yom Tov Sheni**

142. My wife and I have decided to live in Israel and while we are here we keep only one day of Yom Tov. This year we will be traveling back to the United States to visit our families and returning back to Eretz Yisrael after Yom Tov. How should we conduct ourselves on the second day of Yom Tov? May we take our children for trips in the car? Can we do *melachos* in the privacy of our rooms? How should we conduct ourselves for the second Seder? *Havdoloh*? *Tefillin*? How about going to *shul* and davening with the locals?

142.1. Since you and your family are planning to return to Eretz Yisroel, you maintain your halachic status as *bnei Eretz Yisroel*. This means that you will need to make *havdoloh* in private after the first day of Yom Tov as if you were still in *Eretz Yisroel*, you should wear *Tefillin* on the 8<sup>th</sup> day of Pesach and daven the *tefillos* as you would have in Eretz Yisroel on the second and eighth day of Pesach. These activities should be done in private so that you do not appear to be conducting yourself differently than the locals.

142.2. The concern not to appear to act differently means that you should not perform any *melachah* or activity that is forbidden for the local Jews to perform (including *muktzeh*, *amirah lenochri* or eating *chometz* on the eighth day of Pesach). All opinions agree that one is forbidden to openly seem to violate the Yom Tov and although there

is a difference of opinion with regard to doing *melachos* in the privacy of one's bedroom, the halachah is well established that a *ben Eretz Yisrael* should not do any *melachah* whatsoever, even behind closed doors, on the second days of Yom Tov.<sup>116</sup>

- 142.3. The law to conduct oneself according to the custom of Jews in the locale of *chutz la'aretz* begins once a *ben Eretz Yisrael* enters the city boundary where even a small number of Jews live. It makes no difference whether the Jews there are halachically observant or not. Once the *ben Eretz Yisrael* comes within a kilometer of the city or village where Jews should be practicing Yom Tov, the observant *ben Eretz Yisrael* must conduct himself as if he were a *ben chutz la'aretz*. He or she should dress in Yom Tov clothing so as not to desecrate the Yom Tov in the eyes of the locals (or even in the privacy of his residence).<sup>117</sup> Even though it is not Yom Tov for the *ben Eretz Yisrael*, still, he or she should not be doing anything on *Yom Tov sheni* that is forbidden on the first day of Yom Tov, even in private.<sup>118</sup>

- 142.4. Should the *ben Eretz Yisrael* subsequently leave the city (at least the distance of a kilometer from the last residence) and is in an area where Jews do not normally reside, he may act as if he or she were in

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<sup>116</sup> עיין שו"ע או"ח תצ"ו ס"ג ובמ"ב שם, וכ"ה בעה"ש ס"ה שם, ובגר"ז ס"ז, וכן הכריע באג"מ או"ח ח"ג סימן ע"ב ודלא כט"ז שם סק"ב, וכ"ד ר' אלישיב ורשז"א זצ"ל. ועיין ביחווה דעת ח"ג סימן ל"ה בהגה שם דדיק מכמה פוסקים ספרדים שמקילים בזה.

<sup>117</sup> עיין פמ"ג בא"א תצ"ו סק"ז ובמ"ב ס"ק י"ג.

<sup>118</sup> יש כמה הלכות שיוצאים מן הכלל. למשל כשיו"ט יום חמישי בשבת או עש"ק ובני חו"ל עושים עירוב תבשילין כדי להכין לשבת, בני א"י יכולים לבשל בלי ע"ת, ובודאי שלא יברכו על כך עם עשו עירוב תבשילין. והטעם, מפני שאינו ניכר שעוברים על ההלכות דאף אם היה רואה יהודי הנהגתו היה תולה שעשה ע"ת (עמ"ב תצ"ו ס"ק י"ג).

Eretz Yisrael and is permitted to perform *melachos* on the second day of Yom Tov.<sup>119</sup>

- 142.5. For the *tefillos* and *kerias Hatorah* that are not the same for the *ben Eretz Yisroel* and *bnei chutz la'aretz*, the *ben Eretz Yisroel* does not need to

<sup>119</sup> עיין מ"ב סק"י ובשעה"צ ס"ק י"ד, ומדבריהם לא שמענו אלא כל עוד שלא הגיע לשוב או תוך התחום, דינו כבן א"י. אולם בפמ"ג (א"א סק"ז) מבאר דבד"א כשכוונתו להשתקע בחו"ל, דאז כל שלא הגיע פעם אחת לתחום של הישוב דינו כבן א"י עדיין. אבל אם כוונתו לחזור לא"י, כל זמן שהוא תוך התחום מתנהג כבני חו"ל מפני המחלוקת, אבל אם יצא מהישוב מחוץ לתחום של הישוב, רשאי להתנהג כבן א"י ועושה מלאכות ביו"ט שני, בין איסורי דרבנן, בין מלאכות שהם מה"ת כל עוד שאין שם קהילה של בני חו"ל. ובשם ר' אלישיב זצ"ל נאמר שאם באופן מקרי היו שם (מחוץ לתחום) בני חו"ל, דמותר לבני א"י לעשות מלאכה בפניהם דאין זה בכלל גזירת חז"ל.

## בני א"י השוהים בחו"ל במלון מחוץ לתחומם של עיר

והנה, הרבה בני א"י נוסעים ליו"ט למלונות בחו"ל (בפרט לחג הפסח), ויש שם גם בני חו"ל שבאים למלון ליו"ט, ונראה דאם המלון תוך תחומם של עיר שיש שם יהודים (ואפילו אם הם מעט במספר גם אם אינם שומרי מצוות כגון אנשי חברת תעופה ישראלית ששוהים שם בקביעות או חברה ישראלית אחרת), אסורים לבני א"י לעשות מלאכה ביו"ט שני אפילו בחדרי חדרים. אולם אם המלון נמצא מחוץ לתחומם של עיר שיש שם היהודים הקבועים, אף אם הגיעו בני א"י לעיר של יהודים בנסעם מא"י (ונחתו בשדה תעופה בעיר שיש שם יהודים אף אם אינם שומרי מצוות) ומשם הגיעו למלון שהוא מחוץ לתחום העיר, לא מיבעיא אם כל האנשים במלון הם בני א"י, שרשאים להתנהג כבני א"י, אבל גם אם יש מקצת יהודים שהגיעו מחו"ל, הרי היהודים הללו נמצאים שם באופן זמני ואין שהותם שם גורם ששם המקום נחשב כישוב יהודי. אולם בד"א כשלא ידוע שיש שם ישוב יהודי תמידי במקום הזה (שמחוץ לתחום). אבל אם סביר שיש יהודים שגרים באותו ישוב אף אם אינם שומרי מצוות, וכ"ש אם ידוע בוודאות שנמצאים שם יהודים שגרים בקביעות במקום זה, או אפילו שידוע שאין יהודים הגרים שם בקביעות כל השנה, אבל מכשירים המלון בשאר ימות השנה ולא רק לחגים, נמצא שבמשך השנה יש שם יהודים, וה"ה אם אותו אזור הוא מקום נופש עבור ישראלים למשך כל השנה, ותמיד שוהים שם יהודים אף שלא נמצאים שם בקביעות, אלא זה נכנס וזה בא, בצורה שתמיד יש שם יהודים, אזור הזה נחשב כישוב יהודי אף שהוא מחוץ לתחום של עיר שיש בה יהודים. יש שמועות ועדויות שכך הורו ר' אלישיב ורשז"א זצ"ל, וע"ע בשו"ת בצל חכמה הנ"ל.

ובשו"ת בצל חכמה (ח"א סימן ס"א) חידש דאף שרי לבן א"י לצאת מחוץ לתחום העיר של בני חו"ל ביום טוב שני ואפילו בפרהסיא, דיאמרו הרואים שעשה עירוב תחומין, ולא אסרינן משום מראית עין אלא דבר שנראה ברור שעושה איסור, אבל היכא דאיכא למיתלי בהיתירא, ליכא בזה משום מ"ע.

go to shul and may daven alone unless there is only one shul in the area and his absence would be noticeable.<sup>120</sup>

- 142.6. If his absence at the *seder* would **not** be noticeable, the *ben Eretz Yisroel* need not participate or conduct a second *seder*. If his absence would be noticeable, he should attend the second *seder* but should not make any of the *birkos hamitzvos* nor make a *pri hagofen* on the second and fourth cup of wine.

### **Apartment mates that keep chometz in apartment**

143. I share a rental apartment with a non-Jewish woman and a secular Jew. We are good friends and get along wonderfully and I do not think I can find a more religious arrangement anywhere else on my budget. We each have our own bedroom, but we share the living room, bathrooms, kitchen and balcony. Both of my roommates will be keeping their *chometz* over Pesach in the kitchen and in the living/dining room. Every few days we rotate preparing meals and cleaning up. I am expected to handle the cereals, pasta and sandwiches during Pesach. Can you please offer some guidance as to how I should be conducting myself? I prefer to involve my roommates as little as possible into my religious practices.

- 143.1. You will need the cooperation of your roommates and their sensitivity to your religious needs if you are to follow the halochah. Your predicament is not ideal. Under the circumstances, this is what you should do.

- 143.2. Since you share the apartment with others, the kitchen and living room is considered yours. You cannot keep chometz that belongs to a non-Jew in your domain even if you do not own it without a fixed separation like a cabinet or tied down sheet. Chometz that belongs to

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<sup>120</sup> עיין אג"מ או"ח ח"ג סימן צ"ב.

a Jew cannot be in your domain even if there is a separation and you don't enter the area. Since your roommates will be eating the chometz and it will be around, the best option you have is to rent your share of the kitchen and living room to the non-Jewish roommate for the duration of the holiday. That way you have relinquished all rights to that area and the chometz will not be in your domain. You are restricted from entering that area for the duration of the holiday. However, you have created a situation in which any chometz existing or used there is not your halachic concern. If you needed to enter the area, they may let you do so, but it would be as a guest and not a partner.

- 143.3. You are not allowed to handle the chometz and prepare it as food for your roommates even if you do not plan on eating it. I recommend that you switch with the non-Jew so that you will take her shift before or after Pesach and that she will do your job on Pesach.
- 143.4. These principles can be used in various circumstances. Another example when these tools can be used: Non-observant parents wish to spend the Seder and first day with their children and grandchildren. However, they also wanted to bring along their elderly dog that was ill and needed a special diet of chometz. (Sometimes a conversation with a veterinarian can lead to finding an alternative diet that would be kosher for Pesach and allow the parents to spend the day with their family without resorting to complex arrangements.) A possible solution can be to lease, in advance of Pesach, a designated of the home (e.g., patio or yard) to a non-Jew (or if necessary, to the parents). The children and grandchildren should avoid entering that area while the lease is in effect. A door or other barrier should separate that rented space from the owners, so they do not have access. Within that space, if the parents bring in chometz and feed their dog, the children

are not in violation of access or owning chometz. The *chometzdi* dog food must remain in that area. The dog may roam the house freely as long as he has swallowed and finished eating so that he (or she) doesn't bring the chometz along with him (her).<sup>121</sup> It is not a recommended or

<sup>121</sup> בפסחים ה: חז"ל דרשו לא יראה לך אבל אתה רואה של נכרים ושל הקדש, ומכאן שמותר להשהות חמץ של נכרי כשלא קבל עליו אחריות ובלבד שיעשה מחיצה גבוהה של י" טפחים כדי שלא יבא לאכלו. (בחמץ הנמכר לא מהני מחיצה וצריך להשכיר מקום החמץ או להוציאנו מביתו). אם קיבל הישראל אחריות (גניבה ואבידה ויש מחמירין אף בשומר חנם שחייב רק בפשיעה עיין מ"ב סק"ח וט"), בפירוש (עיין מ"ב סק"ה), על חמצו של נכרי, חייב מה"ת לבערו. עיין בכ"ז בסימן ת"מ ס"ב ובמ"ב ס"ק י"ב ובשעה"צ שם דאם מחלק האזור בסדין צריך לקשרו מלמטה שלא ינוד ולא יוכל לגשת בקלות. כ"ז לענין חמצו של נכרי, שסגי שאין לו אחריות כלל על חמצו ויש מחיצה טובה.

אמנם לענין חמצו של ישראל לא סגי בהא. בפסחים יג: חמצו של ישראל ביד ישראל הכל מצווין לבערו אף שלא קיבל עליו שמירה ואינו חייב באחריות כלל. דעת הגר"א (תמ"ג ס"ב) צ"ח (פסחים דף כ"ט) ובית מאיר דחייב הנפקד לבערו מה"ת כדי שהנפקד לא יעבור על ב"י. והם מדייקים לשון חז"ל שלך אי אתה רואה אבל אתה רואה שלנכרי ושל הקדש. משמע דשל ישראל אחר חייב עליו משום בל יראה. אולם המ"ב תמ"ג ס"ק י"ד הביא דעת הב"ח והמג"א דהנפקד אינו עובר משום ב"י אבל חייב לבערו כלשון המחבר שם משום דכל ישראל ערביין זב"ז ולמנוע המפקיד מלעבור בב"י. הרי הוי מחלוקת הפוסקים בדין דאורייתא אם עובר עליו הנפקד מה"ת כל שיש חמצו של ישראל אחר ברשות ואף שאין לו אחריות עליו כלל, ולא סגי בזה במחיצת עשרה. ובשעה"צ סק"כ הביא דכדברי הגר"א מצא בפירוש בבה"ג, ר"צ גיאנות ובשאלות.

אולם ראיתי בהעמק שאלה (שאלתא ע"ח דף ע"ו) שאדרבה דקדק מלשון השאלות דלא ס"ל כגר"א, דהביא לשון הגמרא שהכל מצווין לבערו (וכ"ה הלשון בשאר המקורות שהביא שעה"צ) דמשמע דאין הנפקד חייב יותר מכל ישראל, ואדרבה משמע שהוא מטעם איסורו של המפקיד כדעת הב"ח והמג"א.

ומה שדקדקו מהגמרא דנתמעט רק נכרי והקדש בלחוד, י"ל כמש"כ בחמדת שלמה סימן י"א, דג"כ לא כתב של הפקר אתה רואה, אף שזה פשוט דלא גרע משל נכרי והקדש, וה"ט משום דסד"א דשל נכרי והקדש הוי כאילו קבלו עליו אחריות כיון שאם יאכלנו חייב לשלם עבורו, וא"כ סד"א דיתחייב עליהם כיון שיש עליו אחריות, קמ"ל דא"י נחשב שיש לו אחריות עליו. אבל של הפקר שאינו חייב לשלם, וה"ה של ישראל אחר שרשאי לבערו כדי שלא לעבור המפקיד, ואינו חייב לשלם עבורו, ודאי לא חשיב כיש לו אחריות, ורבותא קמ"ל דאף של נכרי פטור משום ב"י, וה"ה חמצו של ישראל אחר אינו עובר הנפקד עליו משום ב"י. אולם גם בלא אחריות חייב לבער חמצו של ישראל אחר כדי למנוע המפקיד מלעבור על ב"י דכל ישראל ערביין זב"ז.

ואף אם נדחה ראית שעה"צ שיש עוד ראשונים דס"ל כגר"א, מ"מ קשה להקל בזה כנגד עמודי עולם הגר"א, ב"מ וצל"ח בענין שלשיטתם יש בזה איסורא מה"ת. ויש לחשוש לאיסור ב"י על הנפקד עצמו כל שיש חמצו של ישראל אחר ברשותו. ולכן לענין החמץ של החילוני הנמצא ברשות ישראל,



ideal solution as it is facilitating another Jew to violate the laws of chometz. It also desensitizes one to the offensive nature of chometz on Pesach and does not make for an ideal Pesach environment. It also may cramp the family as part of the area will not be accessible. All of this may still be worthwhile in order to maintain positive family relations.

### **Cleaning plastic tablecloths and ice chest for Pesach**

144. We have a brand-new plastic tablecloth for Pesach. One of the kids placed a piece of pita on it. Do we need a new Pesach one?

144.1. We would like to picnic on chol hamoed Pesach. Do we need to buy a new ice chest, or can we use the one we have?

144.2. You can wipe down the new plastic tablecloth and use for Pesach. Since nothing hot was used, you just need to remove any chometz from the surface and it is usable for all Pesach needs. It is advisable to spray a household cleaner over the tablecloth and wipe away in case any crumb remained, it will have become inedible after the bleach or cleaner contacted it. Once it is inedible for animals, it is not chometz.

144.3. The ice chest can also be cleaned well and sprayed with bleach and water, Fantastic cleaner or other household cleaner and any residual crumbs that might still be there would not pose a halachic problem even if ingested. Therefore, it is not necessary to get a new ice chest for Pesach. Clean the one you have so that there are no

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יש למצוא פתרון אחר. לכן נלע"ד דאם א"א למנוע הבאת חמץ של ישראל אחר לרשותו, יכול להשכיר אותו מקום לנכרי או לבעל החמץ (אחד מחברי החדר ועדיף להשכירו לנכרי כדי למנוע החילוני מלעבור על ב"י), באופן שאין לו רשות ליכנס לאותו אזור, ובזה נשמר מלהחזיק חמצו של ישראל ברשותו. ואם לא יעשה כן, והיה מחוייב לבער חמצו של ישראל חבירו לפני פסח וה"ה בפסח כמפורש בשו"ע תמ"ג ס"ב אפילו אינו חייב באחריותו.

crumbs and apply a solution to the inside of the chest to make any chometz that you didn't remove inedible.

### **Platta Shabbat and accepting invitation for Shabbat meal**

145. We were invited out to a neighbor who cleaned their plata well before Pesach and turned it on for two hours before Pesach thinking that would kasher it for Pesach. Can we eat from food heated on the plata? Is there anything that can be done to permit us to join them for Shabbos Yom Tov meal? How about if they wrap the plata with foil?

145.1. Cleaning and turning the plata on for few hours will not kasher it. This will only bring the temperature to the same level it was when the chometz entered the metal. This is a *libun kal*, which is appropriate if the chometz flavor had entered in a cooking process. Since there is concern that the plata absorbed chometz directly from a solid, the plata would need *libun chamur*, which is not practical as it would ruin the plata. The plata should be considered a *chometz'dik* plata.

145.2. While I do not recommend wrapping a plata or blech, technically, if done properly the food is kosher for Pesach. The reason I do not recommend this practice is for practical reasons, and not entirely a halachic ruling. Depending upon the need and circumstances, you may choose to double wrap a *blech* or *plata*, warm food on it and have kept Pesach properly.

However, in my opinion the risk is not worth the cost of a new sheet metal *blech* or even a new plata for Shabbat.

Should any moisture get in between the *blech/plata* and the foil and contact the pot of food or should the foil rip in one spot and should some food boil over or drip on to the blech/plata then everything on the blech/plata will need to be disposed of. Ashkenazim should treat the food on the blech/plata as *treif* as chometz. This could seriously

hamper *simchat Yom Tov* and be a serious challenge for a housewife who has invited guests for Yom Tov and subsequently noticed a problem. It would not be easy to say to everyone who is waiting to eat “We have no hot food for lunch, but there is plenty of matzah and salad”.

The chances of an accident occurring are great enough in my estimation not to recommend double wrapping as a way to save on buying a new blech/plata. Even if nothing goes wrong, the anxiety of worrying whether or not something *might* go wrong can also diminish a housewife’s *simchat Yom Tov* and cause unnecessary tension which might reverberate into interpersonal relationships. Since most people are able to buy a new blech or plata without too much trouble I recommend the one-time investment in a Pesach blech or plata.

**Halachic basis:** On Pesach, even a *mashehu* of flavor passing into food makes the food forbidden to eat despite the fact that the flavor is undetectable in the food. Ashkenazim take this one step further and avoid the food even if the chometz flavor is from an *eino ben yomo* i.e. where the blech/plata has not been used for chometz within the past 24 hours. Therefore, since heat transfers flavor between metal and food when they are directly in contact with each other or if there is a liquid medium between them, any tear in the foil or moisture between the blech/plata and foil and between the foil and pot will carry the chometz flavor in the blech/plata to the food.

Some Sefaradim keep this rule while others are lenient with the food if the blech/plata did not absorb chometz within the last 24 hours. Still, they would not use the blech without protection of the foil.

So if the family who is hosting you will double wrap the *plata* (or *blech*) and are careful to keep everything dry, the heat source (blech/plata)

can be *chometz* and still no flavor will pass into the Pesach pots and you can enjoy the food. Much of the tension and anxiety will be theirs which they have agreed to and you can enjoy the hot food in the honor of Shabbat Pesach. You just need to have confidence in them that should an accident occur, and liquid had spilled, they would inform you.

In short, it is possible to accept an invitation under such circumstance but as a practical matter I do not recommend this practice on an ongoing basis. If it is a one-time meal with friends, you can use your judgment weighing in these factors.

If the plata was used on Pesach already, it is likely that the Pesach pots were used to heat food and when the lid was removed and placed on the plata some condensation that had gathered under the pot cover, fell on to the plata and acted as a conduit to transfer chometz flavor to the Pesach pot. That Pesach pot should now be viewed as chometz pot and not used again for Pesach until it is kashered. (Kashering from chometz can only be done after Pesach).

### ***Kitniyos and Special Diet***

146. I have not been well for many months and western medicine has not been helpful to alleviate my ailments. A few months ago, I met a specialist in alternative medicine who recommend I change my diet. I followed her instructions which cut out many items from my diet. No more bread, grains, fish, fowl or meat and other foods. The only things left were rice, beans and vegetables. This change has helped me tremendously. I am much healthier, and all my ailments have been greatly diminished. As we approach Pesach, I am very concerned about what I will be able to eat. For the seder night, I will be able to have the appropriate *kezeisim* of matzoh and have four cups of wine or grape juice. What troubles me is

how will subsist for the week without *kitniyos*? Must I follow the *minhag* and refrain from rice and beans the whole week of Pesach?

146.1. A person who is on a diet for health considerations that restricts most foods but allows for the consumption of *kitniyos* (e.g., rice and beans) needs to determine how important it is for him or her to consume the *kitniyos*. A question should be posed to a halachically reliable health professional how would the omission affect the health of the patient?<sup>122</sup> If the health professional is concerned that there is a significant possibility that a change in the diet might have a deleterious effect upon the patient's health, the patient may continue with his or her diet of *kitniyos*. The question can be phrased:

“what do you think would happen with your patient if the patient were to subsist solely on vegetables? Do you think that their health might deteriorate? Is it likely that the worst that will happen is that the patient would just be hungrier than usual for the week of Pesach?”

*Kitniyos* are permissible for sick people or those who might become sick without it. If there is no significant risk to health, he should eat more vegetables and no *kitniyos* even if he will be hungrier and won't enjoy Pesach as much. In this case, it seems that the main approach of the nutritionist is to avoid certain foods. If the beans and rice were acceptable primarily because they were not harmful, but they were not chosen because they added something necessary, then it is likely that

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<sup>122</sup> A halachically reliable health professional would include an observant licensed medical physician or nutritionist. If the professional is not Jewish or non-observant, they can also be relied upon if their professional reputation is at risk were they to offer inaccurate information.

the absence of the beans and rice would not be harmful or cause illness.

If this is true, then you should still avoid *kitniyos*. See note 7.

## Crumbs: *Bedikoh* and *Chametz She'ovar olov HaPesach*

147. Do I need to search for every little crumb? If I have chametz crumbs less than a *kezayis* that I either didn't find or didn't look for before Pesach and didn't sell, is there any *issur* on eating them after Pesach? This might be important if a crumb falls out of a keyboard a week after Pesach, or if I notice a crumb on our everyday dishes.

147.1. The *chiyuv* of *bedikas chometz*—search and destroy—is only for chometz the size of an olive or larger.<sup>123</sup> One is not responsible for looking for anything smaller than that. Even if you **see** chometz

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<sup>123</sup> עמ"ב תמ"ב ס"ק ל"ג דהביא מחלוקת הפוסקים אם צריך לבער פחות מכזית בצק שבסדקי ערבה. ומסיים וז"ל ודוקא כשראו לאכילה קצת, אבל אם היה מטונף קצת ופחות מכזית אין צריך לבער לכו"ע עכ"ל. ובשעה"צ שם ס"ק נ"ב כתב דישאל קדושים ונהגו להחמיר אפילו במשהו. אלא דהמג"א סימן ת"ס סק"ב ובתמ"ד סק"ו מחלק דלא נחלקו אלא בבצק הנדבק ומתחבר זה עם זה, אבל פירורין יבשים ממילא בטלי וא"צ לבער. ויסוד חילוק זה כבר מצאנו במהר"ם חלאוה פסחים ו: שהקשה על הא דאמרין פירורין ממילא בטלי מ"ש מבצק שבסדקי ערבה שאף פחות מכזית צריך ביעור, ותירץ לחלק כנ"ל דבצק הנדבק יכול להצטרף במקום אחד לכזית משא"כ בפירורין. וכ"כ במאירי מה: , וכ"כ בפר"ח סימן תמ"ב סק"ז וח', וכ"כ בבית מאיר תמ"ב ס"ז.

וכע"ז כתב הגר"א תמ"ב ס"א, וכ"נ דהמ"ב עצמו ס"ל הכי ממש"כ בשם הגר"א בשעה"צ תמ"ב סק"ס דאפילו בבצק ליכא צירוף בשני חצאי זיתים אלא כשכלי מצרפן, ולכן אי לאו טעמא שפעמים מכבד הבית ומקבץ שני חצאי בצק במקום אחד לא היה חייב לבערם, וז"ל דכל חצי זית עומד בפני עצמו בבית וליכא טעמא דצירוף כמו לעיל גבי כלי שהכלי מצרפן עכ"ל. נמצא דרך חייבין לבער חצי זית בכלי אחד, אולם לפ"ז כלי מצרף אף יבשין כמש"כ החזו"א סימן קט"ז ס"ק י"ג בדעת הגר"א, (אולם בתירוץ הראשון בגר"א שביאר ע"פ שיטת הר"י מפר"ז כתב לחלק בין לח ליבש, וז"ל חשש מיכנס אינו אלא בבצק לח דמידבק אהדי ונעשה כזית אחד וכו' וירושלמי לא איירי בבצק לח עכ"ל. ונראה לפ"ר דאם כלי אחד מצרף שני חצאי זיתים יבשים תלוי בבי' תירוצים בגר"א ולע"ע לא עיינתו די הצורך בדברי הגר"א). ועכ"פ בחצי זית יבש שאינו בכלי אחד א"צ לבער. (אלא דבס"ס תמ"ז כתב בביאור הלכה דאפשר דהגר"א ס"ל דעובר על כל יראה בפחות מכזית ולא ידעתי במה מסתפק המ"ב ולא הבנתי איך זה מתיישב עם דברי הגר"א בתמ"ב ס"א).

אלא דיש חולקים ע"ז כמו שיבואר לקמן הערה 126.

before Pesach that is smaller than an olive (3 cc), you can leave it there (see section 24).<sup>124</sup>

147.2. Therefore, after Pesach it is not included in the penalty levied by Chazal on chometz that was owned by a Jew on Pesach. Chazal intended to penalize people who did something wrong so that no one will do something wrong, but if you did everything right you cannot be penalized (see section 188).<sup>125</sup>

147.3. There are opinions that one must search and remove from one's possession even less than a *kezayis* before Pesach.<sup>126</sup> According to

<sup>124</sup> עיין שלטי הגבורים פ"ג דפסחים (יד. ברי"ף) ובקו"א לגר"ז סימן תמ"ב ס"ק י"ח דהשו"ע לא ס"ל כריא"ז, ולכן נראה דאף כשנראה לעין א"צ לבער. וטעם הדבר דפירורים לא חשיבי כמש"כ בפסחים ו' : ומוסיף הרא"ש שם בסימן ט' וז"ל ומשום פירורין לא צריך ביטול דממילא בטילי והוי הפקר ואינו עובר עליהן עכ"ל. וא"כ אף כשלא עשה ביטול בפיו או בלבו אינו עובר דממילא בטילי.

<sup>125</sup> כוונת חז"ל היתה לקנוס עבריינים ולמנוע אנשים מלעבור. ולכן פסק המחבר בתמ"ח ס"ג חמץ של ישראל שעבר עליו הפסח אסור בהנאה אפילו הניחו שוגג או אנוס. והנה שוגג יש להבין מדוע קנסו דעכ"פ עבירה בידו שלא ידע מאותו חמץ והוה ליה לדעת, אמנם כשידע מהחמץ ורצה לבערו והיה אנוס ולא היה יכול מחמת חולי או גורם אחר שמפסיקו מלהגיע לחמץ, הרי אנוס רחמנא פטריה, ומאי הו"ל למיעבד, ולא קעבר אַפֿל גֵּרָא, ומ"ט קנסינן ליה, ועיין מ"ב שם סק"ט דכשעבר באונס קנסינן התרא אטו איסורא, דאי שרינן ליה אתי לשהויה לכתחילה ועבר עלה עכ"ד. והארכתני כאן בהערה להוסיף על מש"כ למעלה באנגלית שבאופן כללי הקנס הוא על אלו שעברו כבר, אמנם יש גם קנס על אונס כשלא עברו כדי שלא יבאו לעבור.

ואע"פ שיש קנס בעבירה באונס מ"מ נ"ל פשוט דכשעושה כדן ממש, ועושה כל הדרוש ממנו, אין מקום לקנסו כמו שאכתוב לקמן בהערה 127.

<sup>126</sup> דעת החזו"א, וחיי"א מדס"ל דאע"פ דליכא בל יראה בפחות מכזית מ"מ צריך לבער כדי שלא יבא לאוכלו. ודעת הגר"ז לחלוק ע"ז דס"ל דגם בפחות מכזית עובר מדרבנן על בל יראה ובל ימצא גזירה אטו כזית.

החזו"א בסימן קט"ז ס"ק י"ג הקשה על הגר"א והפוסקים שהזכרתי בהערה 123, דאין להביא ראיה ממש"כ בגמרא דפירורין לא חשיבי, (ופירשו הראשונים דממילא בטלי), דא"צ לבער, די"ל דאינו עובר בב"י אף מדרבנן אבל מ"מ צריך לבער משום גזירה שמא יבא לאוכלו. ונראה דהגר"א ודעימיה ס"ל דעל פחות מכזית ל"ח שמא יבא לאוכלו וכמש"כ בפנ"י מד : דל"ג בפחות מכזית שיבא לאוכלו. אמנם כאמור דעת החזו"א לחשוש שיבא לאכול פחות מכזית בפסח, וכן נראה דעת הרדב"ז ח"א סימן קל"ה. ועיין חזו"א קכ"ב סק"ח דמודה שפחות מכזית בסדקי הרצפה דא"צ לבער, ונראה דע"ז ליכא חשש שמא יבא לאוכלו, והוא כעין מש"כ המ"ב תמ"ב ס"ק ל"ג דכשאינו ראוי לאכילה

those opinions, even less than a *kezayis* of chometz that was in your possession during Pesach and was found after Pesach is included in the penalty.<sup>127</sup> If you found a crumb in your keyboard, you should not

לכו"ע א"צ לבער. ועיין בחיי אדם כלל קי"ט ס"ו דמחשש שמא יבא לאוכלו צריך לבער אף משהו. ומקורו מריא"ז בשלטי"ג הוזכר בהערה 124, אלא דבריא"ז קאמר כשרואה המשהו חמץ בעינו צריך לבערו, ומוסיף החי"א ע"ז דה"ה דצריך לחפש ולבדוק אחרי משהו.

בגר"ז סימן תמ"ב סכ"ח גם ס"ל דצריך לבער פחות מכזית אולם מטעם אחר. דעת הרב דמד"ס אפילו פחות מכזית חמץ שהוא עומד בעינו חייב לבערו גזירה משום כזית. ובקו"א שם ס"ק י"ח ביאר דמ"ש בגמרא דפירורין לא חשיבי, וא"צ ביטול או בדיקה, היינו כשמושלך לארץ. ונראה לדעתו דחז"ל הצריכו בדיקה שמא ימצא כזית חמץ שבזה עובר על ב"י מה"ת, אבל אם מצא פחות מכזית צריך לבערו מדרבנן, אם אינו מושלך לארץ. ואפשר דס"ל דבכלל הגזירה הוא גם לבדוק אחר פחות מכזית. (ועמ"ש"כ בסימן תל"ג ס"ב דעיקר תקנת בדיקה כדי שימצא פירור חמץ שיש בו כזית, ובס"ג כתב דמד"ס גם לאחר שביטל צריך לבדוק שמא נתפרר שום פירור חמץ. ומשמע דמדרבנן בודק אף לפחות מכזית וצ"ע בזה).

<sup>127</sup> בקונטרס אחרון לגר"ז סימן תמ"ב סק"ט כתב וז"ל והרי זה דומה לפחות מכזית חמץ שעבר עליו הפסח שאסור בהנאה ולא אמרינן דהיכא דלא עבר אדאורייתא ליכא למיקנסיה אלא בדבר שלא הצריכוהו לבער משום מצות ביעור עצמה אלא משום חשש תקלה שלא יאכלנו כגון חמץ נוקשה ומשהו חמץ בתוך הפסח וכיוצא באלו, אבל דבר שהצריכוהו משום מצות ביעור בעצמה כגון פחות מכזית גזירה משום כזית וכו' אסור לאחר הפסח כיון דעבר על ב"י וב"י מדרבנן עכ"ל. למדנו מתוך דבריו דהא דפחות מכזית חמץ שעבר עליו הפסח אסור, היינו דוקא לשיטתו דיש איסור ב"י וב"י מדרבנן, ולולא זה לא היו חז"ל קנסינן ליה, אפילו אם היה חייב לבער כדי שלא יבא לאוכלו. לפי דבריו, לכל הפוסקים בהערה 123, אין מקום לאסור חמץ פחות מכזית שעבר עליו הפסח.

ואף לחזו"א לכאורה היה צריך להיות פחות מכזית חמץ שעבר עליו הפסח מותר אף באכילה, דהרי לדידה ליכא איסור ב"י וב"י מדרבנן, אלא חשש שמא יבא לאוכלו. אולם החזו"א בס"ס קט"ז ס"ק י"ח לאחר שכתב דצריך לבדוק ספרים לפחות מכזית חמץ, הוסיף דפירורין פחות מכזית שעבר עליו הפסח אסורין כמו חמץ בכזית. ונימק דבריו דכמו שחמץ שבטלו אסור לאחר הפסח, ה"ה חמץ פחות מכזית שבטל ממילא אסור לאחר הפסח, דנראה דלא חלקו חכמים בדבר עכ"ל. הרי דאף שפירורין פחות מכזית אסורין רק מחמת חששא דיבא לאוכלו, מ"מ ס"ל דכשעבר עה"פ אסור, ודלא כגר"ז.

אולם מסתבר דרק שייך לומר דלא חילקו חכמים בדבר, (אף שיש מקום לחלק כמו שחילק הגר"ז) אם עכ"פ יש הגיון לקנס. וכוונתי, דהחזו"א לשיטתיה דס"ל דחייב לבער פחות מכזית, אז שייך לקנסו כשלא ביער, ולא עשה מה שחז"ל הטילו עליו. אבל את"ל דלכתחילה רשאי להניח פחות מכזית חמץ יבש בביתו, ועשה כדיון, לא שייך למיקנסיה, ובודאי היו מחלקים חז"ל בתקנתם לומר דכזית חמץ שביטל ועבר עה"פ אסור, וכשממילא בטל דלא חשיב לא אסור חז"ל, ופשוט. ולכן כתבתי למעלה דהגר"ז וחזו"א האוסרים פחות מכזית לאחר פסח, היינו כל חד לפי שיטתיה, אבל



לגר"א, פר"ח, מג"א, בית מאיר ומ"ב דאין מחייבים בדיקה וביעור לפחות מכזית ודאי דשרי כשנמצא לאחר הפסח.

ובמקום אחר כתבתי בשם מו"ר הרב שלמה פייש שליט"א חידוש גדול יותר, דג"כ לא קנסו חז"ל אדם שביטל ומכר חמצו ע"י רב השכונה אפילו לכשיתגלה דמכירתו לא חלתה ומעולם היה של הישראל. לא מיבעיא למקילים בבדק וביטל אלא אף למחמירים, עמ"ב תמ"ח ס"ק כ"ה.

אלא דכתב באג"מ או"ח ח"ד סימן צ"ד דמשמע דגם חמץ של קטן ואף של חרש ושוטה נאסרו בהנאה אם עבר עה"פ אף שהם לא עברו על איסורין, ולא שייך לקונסם, ובהכרח הוא משום לא פלוג, ועפ"י מחדש להחמיר כשהיה חמצו במקום שעדיין פסח והוא נמצא במקום שעוד לא הגיע פסח, דלכאורה תקנת חז"ל היתה על כל חמץ ששייך ליהודי אף כשלא עבר, וא"כ אפשר דנימא דה"ה דלא פלוג חז"ל לאסור כל חמץ של יהודי אף בפחות מכשיעור אע"פ דלא עבר שום עבירה, ומ"ש מחו"ש דחמצם נאסר בהנאה, ומ"ש כשהוא באר"ב ועדיין לא הגיע פסח וחמצו נמצא בא"י בזמן פסח דאסרינן החמץ.

ויש לחלק, דשאני חמצו של חש"ו דאע"פ דאין עליהם איסורים דנתמעטו מחיובי התורה מדאין להם דעת, מ"מ שם איסור איכא, והוי איסור המותרת להם. ומצאתי סברא זו באג"מ יו"ד ח"א סימן ג' ד"ה ולכן וז"ל דקטן אף שאין עליו איסורים אינו משום דאין הדבר איסור לגביה כמו לנכרי שלא ניתנה התורה ומצות לדידהו, דאם לקטן עד הגדלות הוא כלא ניתנה לו התורה איך יתחייב כשיגדל גם בלא שום קבלת התורה ומצות עליו, א"ו דכיון דהוא בן ישראל הוא בהכרח בכלל קבלה זו, וממילא הווי איסורין בשם איסורין גם להקטן אך שהוא מדיני התורה שעד הגדלות מותר באיסורין עכ"ל.

(ועפ"י מחדש דלרמב"ם דספק דאורייתא מה"ת לקולא דהתורה רק אסרה איסור ודאי, וכל שאינו ודאי איסור בכלל היתר, א"י נכון לענין ספק קטן, דבאמת הוא בכלל איסור, אלא דיש לו פטור, וכדי ליפטר בעינן היתר ודאי, וספק קטן עדיין בכלל האיסור עד שיהיה ודאי פטור ע"ש).

וא"כ שפיר י"ל דחמצו של חש"ו שעבר עה"פ, הוי חמץ שנעשה בו עבירה, ואע"פ דמותר להם לעבור ואין סברא לקונסם, מ"מ י"ל דהוי לא פלוג ובכלל הגזירה, משא"כ פחות מכשיעור דאין ע"ז שם איסור כלל אינו בכלל הגזירה אף משום לא פלוג.

ולגבי מה שחידש באג"מ דחז"ל אסרו כל חמץ של יהודי שעבר עליו הפסח אף שהוא לא נמצא שם והוא לא עבר כלל, ג"כ יש לחלק ולומר דחז"ל גזרו על כל חפצא של חמץ שאילו היה שם היה עובר, ולא פלוג חכמים בתקנתם ולא התירו במקרה היוצא מן הכלל שהוא לא נמצא במקום חמצו ולא קעבר, אבל בפחות מכשיעור דאף כשנמצא במקום החמץ לא קעבר י"ל דמעיקרא לא היה בכלל הגזירה, דלא שייך בזה בשום אופן לעבור עליו.

וא"כ אף לדברי האג"מ נ"ל דלא שייך קנסא על פחות מכשיעור לאלו שסוברים דא"צ לבערו לפני פסח. והארכתי בזה מאחר שראיתי במחבר זמנינו שכתב ד"א דא"צ לבדוק ולבער פחות מכזית אבל אם נמצא פחות מכשיעור לאחר הפסח, סתם ע"פ הגר"ז והחזו"א דאסור בהנאה, ומסתימת דבריו משמע דאין חולק בזה, והנלע"ד כתבתי.

eat or benefit from it. Your dishes have been washed with soap and shelved. Even if a small particle of food remained on a dish or piece of cutlery, it most likely had been inedible during Pesach and is not considered chometz. Therefore, chometz found on your dishes would be halachically permissible but, in practice, inedible.

147.4. The fact that Jews are accustomed to searching for and destroying every crumb should not be interpreted as an indication that they have accepted the stringent opinion as halochoh. It is equally possible that their behavior is a sign of their holiness and dedication to this particular mitzvoh. It is likely a way of displaying their love for Hashem by doing more than the halochoh requires.<sup>128</sup>

147.5. One can rely on the majority opinion regarding searching for chometz before Pesach and regarding the penalty after Pesach for chometz found in your possession, particularly since all the issues are *miderabbonon* in nature.

**A comprehensive explanation with sources can be found in the notes.**

### Menu of the Seder

148. I realize that the main function of the seder is the a serious “*avodah*”. There are many *mitzvos* and much *emunah* can be gleaned and imparted. I am also concerned about the menu. Can you please share some guidelines about which dishes are unacceptable for the seder?

148.1. **When we are able to fulfill the mitzvoh with roasted lamb as the Torah requires, we dine as a group on roasted meat at the end of the seder. Ever since the Beis Hamikdosh was non-operative, Jews have a**

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<sup>128</sup> עיין שעה"צ סימן תמ"ב ס"ק נ"ב וז"ל ישראל קדושים הם ונהגו להחמיר אפילו במשהו עכ"ל. וכבר כתבתי בהערה 123 איך שמשמע משעה"צ ס"ק ס' דמדינא ס"ל דחצי זית חמץ (יבש) אינו צריך לבער. אלא דיש להעיר דבמחנה ישראל העתיק לשון החי"א דצריך לבער אפילו כלשהו שמא יבא לאכלו. ויש ליישב.

symbolic roasted piece of meat at the seder, reminding them of the korban Pesach. That roasted meat is not eaten that night so that no one mistakenly thinks we are eating the *korban Pesach*. A minhog (Jewish custom) has developed in all Ashkenazic communities and many Sefardic communities to avoid consuming any roasted meat at the seder. Roasted fish and eggs are permissible at the seder. During the day, it is permitted to eat roasted meat. The roasted meat on the Seder Plate can be roasted even on the night of Pesach if it will be consumed the following day. So, you should avoid serving roasted chicken, turkey, beef or lamb the night of the seder. Moussaka, or other chopped meat dishes should be avoided as well since the meat is fried, seared or baked which is akin to roasting. A roast which has a significant amount of liquid at its base, is acceptable. If you add an centimeter of water or other *kosher lePesach* liquid (not beer!) to the roasting pan, it is not halachically considered a roast and may be served at the seder.<sup>129</sup>

### A Vegan Seder Plate?

149. Is it permissible to substitute the *zeroa* and the egg on the seder plate with vegan friendly options? After all it is not a law rather a custom and they are only symbolic. A chicken and egg were not sacrificed.

149.1. Pesach is not a vegan friendly holiday.

The Torah is quite explicit that all Jews must eat the meat of a lamb or kid goat.

While we do not perform this anymore, but all those who hope for the Moshiach and a rebuilt Temple, are consequently anticipating a time when they will be expected to eat these meats.

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<sup>129</sup> עיין בסימן תע"ו ובנו"כ שם, ובמ"ב סק"א וס"ק ל"ב.

Considering the Torah requirement, the symbolic nature of the *zeroa* and egg for the sacrifices can be viewed as vegan friendly symbols.

Pesach is also a time for traditional practices. Were you to substitute the egg and *zeroa* you would be neglecting that part of the Jewish tradition, which as you mentioned is a custom, not a law?

Substituting it with something else would not only be missing the custom; it would adopt an innovative, modern approach to Judaism, which is inconsistent with the values of Pesach.

To those who believe in the story and the message of Pesach improved additions to the Seder is antithetical to the Pesach celebration. In short, Pesach is the notion of Redemption and Freedom with a purpose to offer the Chosen People a better life in the land of Israel. After leaving Egypt, and before entering the Land of Canaan they were given guidelines by the redeemer Himself how to acquire that blessed life. To this end, divine laws were presented at Mount Sinai. The belief that the Creator communicated a message to the people that is timeless and perfect is trampled upon when a person tries to improve on that message and claims that they know better what is in our best interests. Adding an improved version of the seder plate consistent with one's personal set of values highlights an interest in Freedom without the divine guidance as to how best to achieve that.

While it is not necessary to be carnivorous all year round and a Vegan diet is an acceptable practice throughout the entire year, there is one day a year that veganism can be construed as an affront to Hashem. That is the night of the Seder, since that is the only time Hashem requires all Jews to consume animal flesh.

Therefore, my recommendation is to leave the symbols as they are.

Second best is to leave the *zeroa* and egg out of the seder plate and decide not to adopt that custom this year. (Not having a seder plate or an incomplete one is less severe than not eating matza or drinking the wine.)

The worst option is to replace it with another symbol. Some Vegan enthusiasts use a scorched avocado pit instead of the egg. The scorched avocado pit reminds them of an egg and the sacrifice. (The egg itself is a distant reminder of the Holiday sacrifice of meat). An improved modification of Jewish practices is a break from the order and commitment to tradition the Seder (translated as order) is supposed to inspire us about.

Halachically, since it is not a law but rather a custom, one may be lenient regarding the recommendation of the Shulchan Aruch which stipulates that the seder plate should have two meats or egg and meat. Someone who has a difficult time obtaining the meat for logistic reasons or cost may suffice with the symbols mentioned in the Talmud (rice or beets). Rice may be owned and used as a symbol by Ashkenazim at the seder. The seder plate is meant to be used during the seder. The egg, *marror*, *charosess*, and other items may be used from the seder plate. The only item that should not be used during the Seder is the *zeroa*. If you use rice, Ashkenazim should not consume it as it is *kitniyos*.

However, in my opinion, it is inappropriate to substitute the meat or egg to allow for a vegan friendly alternative.

### Ordering chometz Online on Pesach

150. May I order an item online that is chometz and request that it arrive to my home after Pesach?

150.1. Ordering the item and paying for it online does not make the chometz belong to you. It will belong to you when you receive and pick it up. Therefore, you are not in violation of *bal yeroeh ubal yimoztei*,

owning chometz. You are also not benefiting from the chometz on Pesach. The only relevant halachah is referred to as **רוצה בקיומו**, which means that sometimes it is a violation to have an interest in the continued existence of chometz. For example, should a package of chometz arrive on Pesach and it is sitting on your property, you have no interest in acquiring it through meshichah or chatzer as that would cause you to violate Pesach, but if you wish to cover it so that the rain won't ruin it, it is a violation of **רוצה בקיומו**. The chometz may not belong to you but you still are interested in making sure it will be available to you after Pesach.

The Maharam Schick (O.C. 225) rules that the only time **רוצה בקיומו** is forbidden is when one does an act on the chometz itself. Merely wanting its continued existence is not forbidden. Therefore, he allows one to order a chometz item that will arrive after Pesach.

- 150.2. It is important to make sure it does not arrive on Pesach. It will only work when you order an item like the one you saw in a catalog online. If it was a specific item you saw in a store and asked for it to be purchased and delivered, after Pesach, that would be akin to an act in the chometz item and forbidden.
- 150.3. Merchandise that is not chometz that arrives on Yom Tov itself may be received and used if it is not *muktzeh*, unless you know or have reason to suspect that it arrived from outside of the *techum* of the city you are in. You may not sign on Yom Tov or Shabbos. However, in Johannesburg, it has become common for the delivery person to take a photo of the person receiving the item holding the item. That is used as confirmation that the item was received. You may pose for such a picture. You are not actively doing anything. The non-Jew is “writing” (the relevant halachic violation of taking a picture) for his own

interests. This serves the sender and delivery company to release them of further obligation to the buyer.

151.

### Showering and Preparing for Mikve on Yom Tov Preceding Shabbos

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This year Pesach falls on Thursday and Friday (in *chutz la'aretz*) and my family is concerned how they will manage without showering for so long. Many members of our family shower every day, and even those who don't do not go three days without showering. We are interested in following the halachah with all its details. However, should halachah allow us to clean ourselves with water, it would enhance our *simchas Yom Tov* and perhaps even have a positive impact on our capacity to use the time well. Would you please share with us some of the relevant principles and halachic guidelines regarding this matter?

A

### Showering on Yom Tov with Water Not Heated on Yom Tov

1. On Yom Tov (even when it is just one day) you may wash your entire body with hot water from a mechanical solar water heater (that does not activate electricity when used like the kind found in Israel), but only one part of the body at a time.<sup>130</sup>

### Extremely Uncomfortable

2. If you are extremely uncomfortable (**מצטער הרבה**), (such as might happen when there is a heat wave and there is no air-conditioning available, or one

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<sup>130</sup> אף שבשבת אסור לרחוץ רוב גופו אפילו אבר אבר בחמין שהוחמו מערב שבת כמבואר בשכ"ו ס"א, מ"מ ביו"ט שרי לרחוץ כל גופו בחמין שהוחמו מעיו"ט ובלבד שלא ירחץ כל גופו בבת אחת אלא אבר אבר (עמ"ב סימן תקי"א ס"ק י"ח).

perspired a great deal and it is the second day of Yom Tov) one may take a hot shower (the whole body at once) on Yom Tov with water heated with a solar water heater (that does not immediately activate an electrical circuit) or other water that no one heated on Yom Tov.<sup>131</sup>

3. The standard geyser commonly used in Johannesburg directly triggers an electrical circuit that then heats the water and is forbidden to use. The normal **דוד שמש** in Israel does not trigger an electrical circuit every time it is used.

### Heating the Water on Yom Tov

4. You may even heat enough water on Yom Tov (without using electricity) to wash parts of your body, provided that it is only enough to wash a

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<sup>131</sup> בבה"ל שכ"ו ס"א ד"ה במים כתב בשם רע"א להקל. וביאור דבריו מצאנו בהגהות רע"א בסימן ש"ז ס"ה דכל דבר שאסרו משום גזירה, הקילו במצטער. והיתר זה שייך אף בשבת, אלא דבמצאות היום מים חמים מדוד שמש אסור דכשיוצא מים חמים נכנס מים קרים והוי פס"ר על בישול המים הקרים. ביו"ט אין צריך לחשוש לכך, ולכן ביו"ט רשאי להשתמש במים חמים מהדוד שמש להתקלח כל גופו במצטער. מצאנו יסוד דברי רע"א גם לענין יו"ט בדברי המ"ב תקי"א ס"ק י"ח לענין תינוק שלעת הצורך מתיר לרוחצו בחמין שהוחמו מעיו"ט או ע"ש (ורק מיקל ביו"ט יותר להתיר חמין שהוחמו ביו"ט לתינוק, אבל לענין חמין של ערב יו"ט או ערב שבת משמע דשרי, וי"ל משום דהוי כמצטער שהתיר רע"א).

והנה מה שחילקו הפוסקים בין מים שהוחמו מערב שבת להוחמו בשבת היינו האם אדם עשה פעולה כדי לחממם בשבת או לא, בין שנעשה באיסור או בהיתר, ומים שלא נעשה בהם שום פעולה בשבת ועדיין חמים הם בכלל מים שהוחמו מערב שבת ומערב יו"ט. ולכן נראה דמים הנמצאים בדוד שמש, אף אם הוחמו בשבת או ביו"ט הם בכלל מים שהוחמו מערב שבת כיון שלא נעשה בהם שום פעולה, כן מבואר בהגהות רע"א שכ"ו סק"ב על המ"א שם סק"ד. ובספר שש"כ פי"ד ס"ק י"ג כתב דה"ה כשהוציאו מים חמים מהברז ביו"ט ונכנס לשם מים קרים ומתחמם מהחמים הנמצאים בדוד, חשיבא כהוחמו מע"ש כיון שנעשה דרך פס"ר ובלי כוונה.



minority of your body. Heating enough water to wash most of the body is forbidden.<sup>132</sup>

### Showering in Warm Water on Yom Tov when Uncomfortable

5. Ashkenazim have accepted the custom not to bathe in a river even though the water is not hot. Rav Moshe adds that it is customary not to shower as usual even in warm water (37° C). However, if one is uncomfortable (מצטער) one may shower as long as the water is not as hot as it usually is when one showers.<sup>133</sup>

### Infants

6. Infants may be bathed in water from the mechanical solar heater. However, one may **not** heat up water on Yom Tov to bathe infants.<sup>134</sup>

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<sup>132</sup> עיין מ"ב תקי"א סק"ט ובה"ל ד"ה ידיו וד"ה אבל דנוטה להתיר שאר אברים מלבד פניו ידיו ורגליו דגם זה בכלל דבר השוה לכל נפש. אבל קבעו הפוסקים דרחיצת כל גופו אינו דבר השוה לכל נפש רק למעונגין הרגילין בכך עיין מ"ב תקי"א סק"י וי"ח. ולולא דמסתפינא הייתי שוקל דנשתנה הנהגת בני"א במאה שנים האחרונות, והרבה, ואפשר אף רוב בני"א הם בכלל המעונגין הללו ורוחצים כל גופם במים חמים לעתים קרובות, וממילא שרי להחם מים ביו"ט לרחוץ כל גופו. אולם למעשה אין לסמוך ע"ז אא"כ יכריעו גדולי הפוסקים בדבר.

<sup>133</sup> עיין אג"מ או"ח ח"ד סימן ע"ד ערך רחיצה אות ג' ובסימן ע"ה שם. והנה מחדש ר' משה דמקלחת שלנו אינו בכלל מנהג שהזכיר הרמ"א ומ"מ לא נהגו העולם להתקלח ואפשר דיש לזה כח מנהג, אמנם משאר הפוסקים נראה דמקלחת שלנו הוי בכלל מנהג האשכנזים. עכ"פ היכא דסתם מצטער שרי להתקלח בצונן, וגדר צונן הוא כל שהוא פחות ממדת החום שדרך סתם בני"א לרחוץ בחול, כ"כ ר' משה בסימן ע"ד שם. ושאר הפוסקים אמרו גדרים אחרים. י"א כל שנקרא חם בפי העולם, או כל שמרגישין בו חמימות, נמצא לפ"ז חום הגוף לא חשיב חמין (37°) עיין שש"כ פי"ד סק"ג.

ואם מצטער הרבה, שרי אף להתקלח במים חמים שהוחמו מבעו"י, כנ"ל.

<sup>134</sup> עמ"ב תקי"א ס"ק י"ח. אולם התם מיירי רק לענין רחיצת תינוק, אמנם עדיין אסור לחמם מים עבור רחיצתם כמבואר ברמ"א תקי"א ס"ב. אולם במ"ב ס"ק י"ג מצדד להקל ע"י נכרי במקום חולי קצת.

### Preparing for the Mikve

7. A woman who needs to go to the mikve on Motza'ei Shabbos should do all of the preparations on Friday before Shabbos. On Motza'ei Shabbos, she should inspect her body carefully for any *chatzitzoh*.<sup>135</sup> She may use water heated on Yom Tov to wash those parts of her body that need cleaning, provided she is not washing the majority of her body. She may shower or bathe in water that is not as hot as she usually has it. Body-temperature water is permissible. She may **not** use a washrag or a bar of soap.
8. If she needs to go to the mikve on Sunday night (when Yom Tov is Sunday and Monday), it is best to prepare on Friday (not Yom Tov) and check herself again on Sunday night. She may clean herself with hot water as discussed earlier (regarding *teviloh* on Motza'ei Shabbos). She may also take a shower on Sunday during the day (as it is Yom Tov, it must be done in a restricted fashion according to the rules mentioned above); however, it is recommended that she clean herself again on Sunday night so that her *chafifoh* is done shortly before she goes to the mikve.<sup>136</sup>
9. A woman who needs to go to the mikve on Sunday night may start preparing on Sunday night instead. She is not absolutely required to prepare on Friday since there will be a lapse of a few days between Friday and Sunday night.<sup>137</sup>

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<sup>135</sup> עיין יו"ד סימן קצ"ט ובפרט מס"ו עד הסוף.

<sup>136</sup> ה"ט"ז ביו"ד קצ"ט ס"ו ס"ל דרשאי לחפוף ביו"ט בע"ש אף שטובלת בליל שבת וכן הביא בשם הדרישה, אמנם דעת הגר"א דרוב פוסקים ס"ל דלעולם צריך לסמוך חפיפה לטבילה היכא דאפשר, וא"כ יש לעשות ההדחה בליל שבת ולא לסמוך על מה שעשתה בע"ש. אמנם עכ"פ רשאית האשה לעשות שניהם, להתקלח בע"ש שהוא יו"ט בדרך המותר כנ"ל ואח"כ להדיח שוב בליל שבת (ע"ע בדי השלחן קצ"ט ס"ו בביאורים ד"ה ובשעת).

<sup>137</sup> סדרי טהרה קצ"ט ס"ק י"ד ודלא כש"ך קצ"ט סק"ו וחכמ"א ק"כ ס"ז.

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### Towels, Soap and Washrags

10. One can wash hairy parts of the body such as a bearded chin or the top of the head.<sup>138</sup> One may also dry the entire body with a towel. However, care should be taken not to squeeze the water out of the hair.
11. One may use liquid soap or shampoo to wash the body and hair.<sup>139</sup>
12. A washrag or sponge cannot be used on Shabbos or Yom Tov.

152. I just checked my hand *shmuroh matzos* for the Seder and they are all broken! What should I do?

152.1. If only a small part of the hand matzo is broken and you think it is less than 1/24<sup>th</sup> of the matzo, it is considered a whole matzo. If the edges are baked well and the matzo was baked that way, it is also considered whole.

152.2. If it is clearly broken, even though normally you should start with three whole matzos, in your situation you can use one of the broken matzos as the middle matzo for the *mitzvah* of *achilas matzoh* and another broken one for *afikomen*. Shulchan Aruch requires that the top and bottom matzo to be *sheleimim* (whole matzos) for the *berochah* of *hamotzie*. Since you don't have hand *shmuroh* that are whole, you can use machine matzos for the top and bottom. They don't need to be *shmuroh*, just don't use either of those for the *mitzvah* of eating matzoh the night of the Seder. Their function will remain for the *berochah* of

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<sup>138</sup> עיין ששי"כ פי"ד סק"א ואג"מ או"ח ח"א סימן קלג.

<sup>139</sup> עה"ש שכי"ו ססי"א. וכל שהסבון או השמפו נשפך אפילו מעט מעט, אין בו משום ממרח (דשמן עב שיש בו משום ממחק ראוי לסתום בו נקב כמבואר בשבת קמו:), כן הוא דעת הגריש"א זצ"ל. ואפילו אם השמפו עוזה קצפת אין בו משום נולד דאין לו ענין ותועלת מהקצפת. ומה שאסרו משום נולד הוא רק בדבר הניתך והוא אוכל ונהנה ממה שניתך כפשטידא דהזב ממנו הוי נולד. כן הוא דעת הגריש"א זצ"ל ודלא כאגרו"מ או"ח ח"א סימן קיג. ויש להקל בזה ולא לאסור דברים משום נולד מה שלא מצאנו בפוסקים הקדמונים.

*hamotzie*. If none of these options works for you, then you can rely on the opinion of the Vini Gaon that rules that one does not need whole matzos the night of the Seder. The mitzvah of the night is matzo that is *lechem oni*, broken matzos. The *berachah* of *hamotzie* does not require *sheleimim* according to the Gro. Therefore, just use the broken matzos for the three matzos and make all the berachos as usual.

153.

### ***Tevillas Keilim***

Judaism considers one's possessions an extension of himself. Just as a gentile who wishes to convert to Judaism needs to immerse his or her body in a mikve as part of that process, so to, certain food related utensils (as described below) that were manufactured or owned by an *aino Yebudi* and which now belong to a *Yebudi* (gifted or sold) need to be properly immersed in a mikve before use. The source for this is found in the Torah (Bimidbar 31:33) when Bnei Yisroel attacked Midian and took their possessions as booty. Before using the kitchen utensils, they needed to purify them from *tumas meis*, *tarfus* and the change in status due to a change in ownership which requires immersion in the mikve. This principle extends beyond spoils of war to any change of ownership from an *aino Yebudi* to a *Yebudi*. Practically speaking that means that pots, pans dishes, cutlery, drinking glasses and the like which had been owned by an *aino Yebudi* and now belong to a *Yebudi* should be immersed in a mikve before their first use by a *Yebudi*. Some of the practical laws shall be presented here.

### **First *Hachshoroh* then *Tevilloh***

154. Before the process of immersion is done, if the utensil is not new and may have absorbed flavor that is not kosher, the kashering process (*bag'oloh* [immersion in boiling water] or *libbun*) need be done first and only afterwards should one do *tevillas keilim*. If a utensil was immersed in a mikve while it still had *treif* flavor absorbed in it (even *ta'am eino ben yomo*), the item should be kashered and immersed a second time without a *berochah*.

### **Complete Transfer of Ownership**

155. The utensil must have left the possession of the *aino Yebudi* and fully belong to the *Yebudi* ready for his personal use. A utensil borrowed or

rented from an *aino Yebudi* or from a Jewish/non-Jewish partnership need not be immersed. If utensils are purchased from the partnership or if the Jew buys out the non-Jewish partner and now has total ownership of the utensils, *tevilloh* with a *berochah* is required.

155.1. If the *aino Yebudi* released his ownership and made it available for all to acquire (*hefker*), and subsequently a Jew acquired it, the item should be immersed without a *berochah*.<sup>140</sup>

155.2. Even if all the workers that manufactured the utensils are Jewish, the utensil requires *tevilloh* if the manufacturing company is owned by a non-Jew. This halachah applies to companies whose entire ownership is completely held by non-Jews, or if non-Jewish owners hold a majority of the company. Similarly, a company that has non-Jewish voting stockholders that can have a significant impact on the company would also be considered non-Jewish ownership even if they are not a majority of the company. Unless one has information to the contrary, one should assume that all companies outside Eretz Yisroel have some public non-Jewish ownership and require *tevilloh* after a Jew purchases them for personal use.

155.3. If the company is entirely owned by a Jew and all the parts are owned by a Jew and assembled by a non-Jew in the factory belonging to a Jew, the item does not need to be immersed.

155.4. An item manufactured by a company owned by *ainum Yehudim* which was sold to a Jewish retailer who in turn sold the item to a *Yebudi* consumer, needs *tevilloh* by the consumer with a *berochah*.

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<sup>140</sup> עיין שו"ת הר צבי יו"ד קט שהביא ראיה ממלחמת סיחון ועוג שהרגו כולם ונשאר הכל הפקר ולכן לא נצטוו ישראל אז על הטבילה. אמנם הרצ"פ פרנק ז"ל ואחרים מפקפקים בזה ויש לטבול בלי ברכה.

- 155.5. A *tevillob* performed by the Jewish retailer is ineffective since it is considered merchandise to him and not kitchen utensils. Therefore, while it is commendable for a store that sells kitchenware to have a mikve on premises, the items should be immersed by the consumer after he has halachically acquired them and not by the store owner.
- 155.6. However, if it is not clear if the majority shareholders of the company are *ainum Yehudim*, the item should be immersed without a *berochah*.
- 155.7. While manufacturing companies outside of Israel can be assumed to belong to *ainum Yehudim*, this is not true of American companies. Many American companies have a significant number of Jewish stockholders and one should not assume that the majority stockholders are *ainum Yehudim*. If verification is difficult; and there is a reasonable likelihood that the company may have a majority of Jewish stockholders, one should immerse items purchased from that company without a *berochah*.
156. A manufacturing company that is completely owned by a Jew but the workers who fashion the items are *ainom Yehudim*; the items do not need *tevillob*.
157. A *Yebudi* who gave his item to an *aino Yebudi* technician to fix, needs to immerse the item without a *berochah* if the item was unusable or made unusable during the time it was with the *aino Yebudi*. The craftsmanship itself is considered partial ownership and when the item is returned to the owner, the owner acquires an item that was partially owned by an *aino Yebudi*.
- 157.1. Therefore, if a utensil which was owned by a Jew and was properly immersed fell into disrepair, and the utensil was no longer functional (e.g. a hole or crack on the bottom of a pot), and an *aino-*

*Yebudi* repairman welded a new patch onto the broken area; the newly repaired vessel would require *tevilloh* once again without a *berochoh*.

158. Utensils require *tevilloh* if they were given by an *aino Yebudi* to a *Yebudi* as a gift or if they were bought from an *aino Yebudi*. This requirement would apply, even if the Jew owned the utensil originally, subsequently sold it to the non-Jew and subsequently bought it back from him. It is for this reason that one should not sell *chometz keilim* to a non-Jew.
159. If someone converts to Judaism, their utensils require *tevilloh*, even if they were only used for kosher food, since the utensils were transferred from the possession of an *aino Yebudi* to the possession of a *Yebudi*. However, since this halochoh is not found in the Gemoro or Shulchan Aruch, one should not make a *berochoh* on the immersion.<sup>141</sup>
160. A person who is about to purchase an item which would require *tevilloh*, but he has no way to immerse the item, may choose to take the item and pay for it with the intention not to halachically acquire it. He then may use the item until he has the availability to immerse it. At that time, he should make a *kinyan* with the intention of acquisition and then immerse it.<sup>142</sup>
- 160.1. Once he has acquired the item by moving or lifting it, it may not be used before *tevilloh*.

### Usage before Immersion

161. It is forbidden to use a utensil for food preparation or dining purposes before it is immersed in a mikve. Even a one-time, temporary use is

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<sup>141</sup> נראה דיש מקום לחלק דאינו דומה לכלי מדין שעבר מבעלותו של זה לזה, אבל לא מצאנו מקור לחיוב טבילת כלים כשהחפץ נשאר בבעלותו של אותו בן אדם, והוא השתנה מגוי ליהודי. ובדרכי תשובה סימן ק"כ סק"ד הביא ספק בזה, ולכן נראה דלא יברך אף כפי הנראה אין מקום כ"כ לחלק בסברה, והדברים נוטים דחייב לטבול בברכה, אולם מאחר שלא אישתמיט חד מהפוסקים הקדמונים לדבר בזה, יתכן שאי"ז הלכה למעשה.

<sup>142</sup> מנחת שלמה ח"ב סימן ס"ו.



forbidden. This is not only true for items that belong to the person who wishes to use the item but even if the item belongs to another Jew who is required to immerse the utensil and did not do so, no Jew is allowed to use item until it is properly immersed.<sup>143</sup>

161.1. However, if the owner will not immerse the item and does not let the user immerse the item, a guest may use the item without immersion since the restriction to use the item is in order to motivate the user to immerse the item. If the user cannot immerse the item because the owner will not allow him to do so, then the restriction is waived.

161.2. This principle can be applied to restaurants and hotels that do not immerse their cutlery and will not allow the guests to take the items out of the premises to a mikve.<sup>144</sup>

161.3. That principle is only used when the true owner is unwilling to immerse the utensil and a second party wishes to use it. However, if the owner himself wishes to immerse the item before using it, and cannot, he may not use the item until it is immersed.

161.4. Shulchan Aruch, however, has a solution for a person who wishes to immerse the vessel but is unable to. He may sell or give it to a non-Jew he is friendly with and subsequently borrow it.<sup>145</sup> This type

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<sup>143</sup> עצם מה שהתורה מחייבת לטבול כלי סעודה, מגלה שיש איסור שימוש, דאלי"כ על מה חיובה התורה טבילה אילו היה מותר להשתמש גם בלי טבילה, וא"כ צ"ב במה שחז"ל גם אסרו להשתמש בכלים לא טבולים כדי לדרבן אנשים לטבולם, וי"ל דאם יש לו מקוה בפניו ואין בזה טרחא לטבול, ע"ז בא התורה ומחייבת טבילה ור"ל לפני השימוש שיטבולם, אבל אם קשה לו לטבולם ואינו יכול לעשותו מיד, באו חז"ל ואסרו השימוש כדי שלא ישכח מלטבולם.

<sup>144</sup> מנחת שלמה ח"ב סימן ס"ו סק"ד.

<sup>145</sup> עיין יו"ד ס"ס ק"כ, ואו"ח שכ"ג ס"ז ומש"כ בהערות על שטר מכירה בענין מכירת כלי סעודה שהרחבתי בזה. ודע, דהמ"ב אינו סומך ע"ז אלא לשבת וקצת זמן, אבל אסור לסמוך ע"ז לתקופה

of contrived scheme is only permissible to avoid violating a rabbinic prohibition. A Torah violation should not be bypassed with such a ruse. This approach is put into practice in the chometz sale to the non-Jew at times when many cannot immerse their new kitchen utensils. This was the case in many places leading up to Pesach 5780 during the coronavirus pandemic. For more details, see the Hebrew contract of chometz sale and the footnotes. This issue is also addressed later (178).

- 161.5. If it is impractical to include the kitchen utensils in the sale (e.g., the rabbi arranging the sale has not made allowances for this in the contract), and there is no other option to have kitchen utensils, one may make the items ownerless (*hefker*) and use them as *hefker*.<sup>146</sup>
162. While it is best to immerse utensils as soon as possible, it is permitted to keep items in one's home even if they are not yet immersed.
163. If a utensil was used numerous times without *tevilloh*, one is still required to immerse it before its next use.<sup>147</sup>

### Which Items need to be Immersed?

164. *Keilim* (utensils) can be categorized into three halachic groupings:
- 164.1. utensils requiring *tevilloh* (immersion) with a *berochah*
- 164.2. utensils requiring *tevilloh* without a *berochah*

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ארוכה, ע"ש ס"ק ל"ה, וראיתו ממשכון ביד היהודי דאסור להשתמש דנראה כחלק מנכסיו. אולם מסתימת שאר האחרונים לא משמע הכי, ויש להקל בזה ובהפקר כשיש צורך בכך, אף שהפקר יותר דומה למשכון מכלי שנתן לנכרי ואומר לו להדיא שיהיה שאול בידיו.

<sup>146</sup> *Hefker* should be done in front of 3 people, two of which should be adult males qualified as witnesses. It can be done through WhatsApp, Zoom or other videoconference tool. The three people should be close enough acquaintances that the original owner need not be concerned that one of the three will grab the equipment since he or she is aware that it is ownerless.

<sup>147</sup> חכמת אדם עג: כ.

164.3. And utensils that do require *tevillob*.

165. **Utensils require *tevillob* with a *berochah*** when they have direct contact with food during preparation or mealtime and when they are made from these six metals: copper, gold, iron, lead, silver and tin or if they are made of glass including Pyrex, Duralex, and Corelle.<sup>148</sup> (Corelle, a form of

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<sup>148</sup> For example, salt and pepper shakers made of **glass** should be immersed with a *berochah*. (See Chochmas Odom 73:10.) Salt and ground pepper are classified as foods as they are ready to be added to dishes for flavoring. One can should make a *shehakol* when consuming salt. Chazal legislated that one must immerse glass and thus a *berochah* is required.

**Other Metals:** However, the Torah only mentions immersing the six metals listed above. Other metals should be immersed together with glass or silver so the *berochah* is made and covers the other metal utensils. If that is not possible, it should be immersed without a *berochah*. If it is very difficult to immerse the utensil, it may be used without *tevillob* until it becomes feasible to immerse in a mikve. The logic behind this shall be presented in *loshon kodesh*.

הנה המחבר סימן ק"כ ס"א פסק דכלי מתכת וכלי זכוכית טעונית טבילה. ובגמרא ע"ז ע"ה: א"ר אשי הני כלי זכוכית הואיל וכי נשתברו יש להם תקנה ככלי מתכות דמי, ובפ"ח ס"ג כתב דטבילה זו היא מדרבנן. ובעה"ש ס"ג מבואר דכל כלי מתכת חייב טבילה מה"ת אף דבפרשה נזכר רק ו' סוגי מתכת.

בקונטרס יבקש דעת מבעל תפארת ישראל בראש סדר טהרות הביא באות מ"ד מש"כ רבינו אליהו (הגר"א) דמתכות כולל ו' מינים זהב כסף נחשת ברזל בדיל ועופרת, והוסיף התפא"י ע"ז ולפע"ד זה לאו דוקא דהרי בעתים הללו מצאו הטבעיים כמה מיני מתכת חדשים שלא שערם אבותינו וכי אלא כל הנרקע בפטיש רקועי פחים נקרא מתכת עכ"ל. וכתב שם לפרש דברי הגר"א שלא יסתור דבריו, והגאון הזכיר הכללים ושאר המתכות הם תולדות. והוא כעין דברי העה"ש.

ועיין באג"מ יו"ד ח"ב סימן קס"ד דס"ל דלענין קבלת טומאה רק ו' מיני המתכת המנויין בפרשה הם מקבלים טומאה ולא יותר. תשובה הנ"ל מיירי לענין כניסת כהן לאוירון כשיש מת בתוכו, ודן שם לענין המתכת של האוירון שאינו משש המתכת בפרשה וז"ל אולי רק מיני מתכת שנאמרו בקרא וכו' הם מקבלין טומאה ולא מינים אחרים וקצת היה נראה כן מדהוצרך הקרא להחשיבם בפרטיות ולא בכלל אך כל דבר מתכת, וכלפי שמיא גליא שאיכא עוד מיני מתכת שלכן פרטן להשמיענו שרק אלו מק"ט ולא מיני מתכת אחרים וכו' והם ששה כתובים הבאים כאחד. הנה גם בלא זה אין למילף דיני טומאה למין חדש דכל דיני טומאה הן גז"כ וראיה קצת מהא דכלי זכוכית לא מק"ט מדאורייתא אף שהן ניתבין כמתכת ולא אמרינן שיהא להן דין כלי מתכת כאלו שבקרא אבל מ"מ צ"ע לדינא עכ"ל. וע"ע רש"י ברי"ה י"ט: אין כלי מתכת טמאין דאורייתא אלא המנויין בפרשה וכו' עכ"ל.

glass, should not be confused with Corning Ware, a form of earthenware, which will be discussed later in this article.)

165.1. From the cursory research I have done, it seems that steel is made of many metals, but the majority is iron. While there are many types of steel, the ones used as kitchenware are usually close to 70% iron. If this is true, stainless steel cutlery, pots and pans need *tevilloh* with a *berochah*.

166. The utensil must come in direct contact with the food. If there is a separation between them, the item does not need *tevilloh* (e.g., stovetop grates). However, if there is just paper or foil in between the food and utensil (like baking paper on a tray), the item does need *tevilloh*.

164. **Utensils should be immersed without a *berochah*** if they are made of any other metal and come in contact with the food during preparation of the food or when dining. This includes aluminum and brass. For example, a vegetable peeler, nutcracker, hot water urn or hot air popcorn

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ולכאורה כמו דלענין טומאה רק ו' אלו נחשבין מתכת אפשר דה"ה לענין טבילת כלים רק ו' אלו חייבים בטבילה מה"ה. אבל בספר אמת ליעקב על שו"ע כתב ביו"ד סימן ק"כ דלענין טבילת כלי עכו"ם לבי אומר שאינו תלוי בקבלת טומאה ואף שאלומיניום ושאר מתכות חדשים אינם מקבלים טומאה, מ"מ י"ל דחייבים בטבילה מה"ה. ואח"כ מצדד לומר דאפשר דחיוב טבילת כלים תלוי בקבלת טומאה. ולא עוד אלא אפילו בגזירה דרבנן של זכוכית הואיל וכי נשתברו יש להן תיקון כמו מתכת וחייבים בטבילה מדרבנן, וסד"א דכ"ש שאר מיני מתכת דאף אם אינו חייבים בטבילה מה"ה דעכ"פ יהיו חייבים מדרבנן דלא גרע מזכוכית, כתב שם דאפשר דשאר כלי מתכת גרע מזכוכית דלא תקנו טבילה אלא בדבר המקבל טומאה וניתך כמתכת, אבל מאחר דמתכת שאינו מו' המינים הנזכרים אינו מקבל טומאה אפשר דגם חיוב דרבנן ליכא עליהו לטבלם כשניקחים מנכרים. ובהערה שם כתבו דמפי השמועה הורה דיש לטבול כלי אלומיניום בלי ברכה.

וממו"ר הגה"ר שלמה פישר שליט"א שמעתי שאין צריך לטבול אלא ו' מתכות המנויים בתורה והשאר א"צ טבילה כלל, ולא דמו לכלי זכוכית.

אמנם כמדומה שנהגו העולם לטבול כל מיני מתכות בברכה. ונראה לדינא דהיכא דאפשר יש להחמיר לטבול שאר מיני מתכות יחד עם כלי שחייב ברכה בודאי כדי לפטור אותם מברכה, אבל אם א"א או שקשה, לכתחילה יש לטבול בלי ברכה ובשעת הדחק א"צ טבילה.

maker come in direct contact with food but are not necessarily made of one of the six metals or glass. Unless it is made of stainless steel, it should be immersed **without** a *berochob*.

165. This may cover many utensils for baking, frying, cooking or roasting (e.g., hot water kettle, urn, shredder, filter, knives, mixer parts and baking trays).

165.1. Disposable aluminum pans for cooking or baking should be immersed in a mikve without a *berochob* if they are strong enough to be reused more than once. It makes no difference whether or not you plan to dispose of the pan after a single use. Since the utensil is durable enough to be reused, it is a vessel which requires *tevillob* and practices of our wealthy society do not change the halachic definition of a *keili*. Therefore, unless the disposable pans were manufactured by a Jew who owns his company, or they are so flimsy that they cannot withstand a second use they should be immersed in a mikve without a *berochob* before use.

### **Other Examples where one should immerse without a *berochob***

165.2. If one is unsure whether a utensil which requires *tevillob* was in fact immersed, it should be immersed without a *berochob*.<sup>149</sup>

165.3. Utensils made from a combination of materials, e.g. metal pots coated with Teflon or enamel.

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<sup>149</sup> אפילו כלי זכוכית שחיובם מדרבנן, מ"מ איתחזק איסורא משא"כ בדבר שיש בו ספק אם חייב בטבילה אם חיובו מדרבנן יש להקל בשימוש ללא טבילה לעת הצורך כשא"א להטבילו (עיין פת"ש יו"ד ק"כ ס"ק י"א ואג"מ יו"ד ח"ב סימן מ').

- 165.4. Utensils used exclusively for raw ingredients, but could also be used for edible food (e.g. the beater used in a mixer, *shechita* knife, or potato peeler<sup>150</sup>).
- 165.5. Metal utensils used for food storage that remain in the kitchen or pantry and are not brought to the table, e.g. metal flour or sugar canisters.
166. **Utensils do not require *tevilloh*** even if they come into direct contact with food during preparation or mealtime, if they are made from bone, earthenware, china, porcelain, paper, plastic, stone, stoneware, Styrofoam, Corning Ware or wood.
- 166.1. Utensils made from metal or glass whose intended purpose is not for food usage, e.g., an arts and crafts knife. Even if the knife was to be occasionally used for food preparation, *tevilloh* would not be required.
- 166.2. Metal or glass utensils that do not come into direct contact with the food, e.g. the metal shell of a removable crockpot, can opener, knife sharpener or corkscrew.
- 166.3. Utensils which are made by a Jewish craftsman (observant or non-observant) who owns his company or business and are sold directly to a Jewish customer.
- 166.4. Empty metal cans that previously held food, e.g., canned vegetables, can be used to cook food therein without *tevilloh*. One does

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<sup>150</sup> Many Israelis do not eat raw carrots, however, for those that peel carrots and eat them raw or might use the peeler for apples, are required to immerse their steel peeler with a *berochoh*. Many peelers are made of stainless steel and are made of a metal that requires *tevilloh*. English speakers will often use peelers for foods that are eaten raw.

not have to immerse the can, because the Yehudi who opened the can to remove the original contents has now created a “new” utensil.

166.5. **Storage** utensils that are not brought to the table and the food is always wrapped (e.g., tea bags candies) do not need *tevilloh*. If the food is placed in the storage container and is not wrapped (e.g., glass spaghetti/pasta containers or cookie jars) one should immerse without a *berochah*. If the storage container is occasionally brought to the table and one eats from the storage container, it should be immersed with a *berochah*.

166.6. When food sold in glass jars (mayonnaise jars or juice bottles) is emptied, the glass jar does not require *tevilloh* before using, since its use as a container is secondary to its contents. If a deposit is required on the bottle, the glass has individuality in its own right and would require *tevilloh* before reuse. In the event that the jar or the bottle is fancy and important in its own right, *tevilloh* would be required. One should not assume that Jewish merchants immerse the jars or fancy trays that they use to package loose or bulk food items.

166.7. Utensils used exclusively with raw, non-edible food, e.g. cookie cutters or a metal tenderizer hammer, do not need *tevilloh*.

166.8. These items do not need *tevilloh*: a blech, metal dish racks, meat thermometer, knife sharpener, toaster, oven racks and metal or wood rolling pins.

167. Items which do not need *tevilloh* should not be immersed.<sup>151</sup>

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<sup>151</sup> או"ה כלל נח: פה שמא יבא לברך עליהם ותהיה ברכתו ברכה לבטלה.

### Preparation of the item for Immersion

168. The utensil to be immersed must be completely clean. It should be free of dirt, dust, rust, stickers, or glue so that the water of the mikve can reach all parts of the item at once. If the utensil was immersed with a label, it may not be a *chatzitzoh* if it covers only a small portion of the item and the owner is interested that the label to remain on the item. When a label is left on, one should consult a rav.

### The Mikve

169. The immersion must be done in a mikve, which is kosher for *tevillas noshim* (swimming pools and a mikve that is kosher for men only does not qualify). One may also use the ocean. However, rivers that rise due to rain or melting snow can be used for *tevilloh* only after settling back to their normal level.
170. Glass may be immersed in snow under special circumstances.

### Who Can Immerse the Utensil?

171. Anyone may *tovel keilim*, including a small child or a non-Jew. The *tevilloh* must be done in the presence of a Jewish adult to verify that it took place. The recitation of a *berochah* can only be said if an adult Jew does the immersion, is the owner of the item or was appointed by the owner to immerse the utensil. Therefore, if many utensils are to be immersed with the help of a child or an *aino Yebudi*, the Jewish adult should first immerse a few vessels with a *berochah*, and the child or non-Jew can take over under the supervision of the adult.

### The Tevilloh

172. Prior to the immersion of metal or glass utensils, one wets his or her hand in the mikve water, holds the vessel in the wet hand and says, “*Baruch ato Adonuy Eloheinu melech ha’olam asher kideshanu bemitzvosav vetzivonu al*



*tevillas keilim*” and immerses the vessels. The water of the mikve must touch the entire vessel, both inside and out. The entire vessel must be under the water at one time. Under no circumstances can one utensil be immersed in stages, nor can two utensils touch each other during the entire time they are immersed. A pot cover can be immersed separately if it is removable. (Pot covers are considered to have direct contact with food since the vapors rise and touch the pot cover. If it is not joined to the pot, it is considered a separate utensil).

172.1. Should you immerse an electrical appliance (e.g., hot water urn, sandwich maker) the entire vessel must be immersed at one time including the electrical cord. If the cord is not part of the unit but is plugged in, it does not need immersion. Remember not to use the item until it has completely dried out.<sup>152</sup>

172.2. If only one vessel is immersed, the above procedure is followed and the *berochah* “*al tevillas keli*” is recited.

173. If one’s hands were wet with the mikve water, it is not necessary to let go of the item entirely in the mikve. The mikve water reaches all parts of the item at once since there is water in between the fingers and the item. If one held the utensil with dry hands before immersion, he or she would need to momentarily let go of the item while it is in the water.

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<sup>152</sup> ע"פ משנה בפ"י ממקואות מ"ה דרך ידות שעתיד לקוצצן אין צריכין טבילה, ובמרדכי (תתנ"ט) בהגה דגם צריך להטביל יד הכלי, וכן נפסק בשו"ע יו"ד ק"כ ס"י, ואף שהיד עשויה ממין שאי"צ טבילה כמש"כ בשו"ת מהר"ם מרוטנברג (קצ"ד) ע"ש. וע"ע ברמב"ם פ"ד מכלים ה"ה דגם משמע כן.

ולכאורה ה"ה בחוט חשמל המחובר לכלי שא"א להשתמש בכלי מבלעדי החוט, ואף שאין מחזיקין הכלי ע"י החוט. וכ"כ במנחת יצחק ח"ב סימן ע"ב. ודלא כמש"כ באג"מ יו"ד ח"א סימן נ"ז, דא"צ להטביל החלק החשמלי שאינו נוגע באוכל.

174. A pocketknife used for food should be immersed in its open position so that the water will touch all areas of the blade. A narrow-necked bottle should be immersed neck up so that the inner surface of the bottle will fill completely with mikve water.
175. It is sufficient to immerse the item once. Some prefer to immerse the item three times. There is no minimum amount of time that the utensil needs to be in the mikve. It needs to be wet enough to make another item wet. Make sure that there is no air trapped in the submerged vessel.

### **Items made of Parts**

176. Utensils made of separate pieces that are assembled as a single unit, e.g. a meat grinder or thermos bottle, may be immersed in the manner used, and need not be immersed piece by piece, although one may separate a unit into its separate components and immerse each part separately. When immersing an assembled appliance, it is imperative that the water touch all areas that the food will touch during use, both inside and out.

### **When it is Difficult to be *Tovel***

177. A rav should be consulted if it is impossible to immerse a utensil because the utensil is too large to immerse in a mikve; if there is no mikve available; if the vessel will be ruined when placed in a mikve; or if immersion may present a hazard. Sometimes it is advisable to disassemble the vessel to the point in which it is unusable and impossible for a normal person to assemble. If the item is disassembled to the point that it is necessary to have an expert reassemble it, then when a Jew reassembles the item it would not need *tevillob*. Since a Jew made the item functional, the Jewish technician is considered the item's creator and owner. A craftsman owns his work in the item and when the utensil was not functional at any stage before the craftsman added his expertise, the craftsman's addition affords him significant ownership in the item. Thus,

the item is considered to have come from the possession of a *Yehudi*. Reassembly would not apply to the parts of a meat grinder that are regularly assembled and disassembled during ordinary use. Reassembly would only apply to utensils that are not ordinarily dismantled.

177.1. If a person disassembled a utensil and is not a professional craftsman or technician but is able to reassemble this item because he has just taken it apart and has become familiar with it, can assemble the item and it would not need *tevilloh*. Since an ordinary person would not have been able to reassemble the item, it is considered as if put together by a craftsman.

178. Another suggestion would be to give the utensil in question to a non-Jew as an outright gift and borrow it back from the non-Jew. However, this procedure only helps for the period when one cannot immerse the utensil such as for the day Shabbos (when it is forbidden to immerse, see next paragraph) or during the week in a place where there is no mikve available. (See earlier discussion [158](#).)

### When?

179. *Tevillas keilim* may be performed day or night, except on Shabbos or Yom Tov. In case of great necessity, where one needs to use an *untoveled keili* on Shabbos or Yom Tov, the utensil may be given to a non-Jew as a present and the Yehudi may borrow it back. After Shabbos, if the *Yehudi* re-purchased the utensil from the non-Jew, it must be immersed in a mikve with a *berochob*.

180. One may immerse utensils on *chol hamoed*.

181. If necessary, one may immerse an item with a *berochob* during *bein hashemoshos* that enters into Shabbos or *chag* if he has not yet accepted Shabbos or *chag* but never as the Shabbos or *chag* leaves.

182. An item can only be immersed once it is an item that is designated for usage with food. A store owner purchases his merchandise for the purpose of selling them; he has no intention of using the items with food and would not do so. Therefore, he cannot immerse the items in advance of the sale to make the item more attractive. The immersion of a glass at a stage when it is a commercial commodity is premature and the immersion is invalid. Once the buyer makes the purchase and plans to use the glass for drinking, only then would an immersion be effective.
183. Similarly, were one to purchase a gift and avoid using the item himself in the preparation or usage of food, in order to ensure that the item is in perfect condition and can be returned if necessary, that item, in the hands of the donor, is not yet considered a *keli sendah*. Immersion in a mikve (with or without a *berochah*) would be ineffective.<sup>153</sup> The only way to arrange for the item to be an immersed item before the gift is given, is if the donor buys the item for his own use, immerses the item, then uses the item and subsequently gives the used item as a gift to a friend. Otherwise, one should notify the recipient that the item is not yet immersed. If the donor is certain that the recipient will use the item without immersion, he may be in violation of *lifnei iver*, enabling another Jew to sin. However, if there is a doubt that the recipient may never use the item (e.g., they may use it as a decorative piece or return the item), then it is not considered a *michshol vadai* and is permissible to give as a gift as there is no *lifnei iver* on a *safeke michshol* (see Chazon Ish *Shevi'is* 12:9 s.v. *venireh*).<sup>154</sup>

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<sup>153</sup> עיין מנחת שלמה ח"ב סימן סו: כ, וכע"ז בתשובות והנהגות א: תנב.

<sup>154</sup> מרוב חשיבות ומתיקות דבריו הנני מצטטם וז"ל: ונראה דהא דהקילו חכמים בספק אע"ג דספק מכשול ודאי אסור ליתן לפני עור, והיה ראוי להחמיר בספיקות, משום דאם באנו להחמיר בספיקות נמי נעשה מכשול שנמנע מחסד ודרכי חיים ושלוש מעצמנו ומהם והן רק ע"ה וחייבין אנחנו

### *Ta'aroves*

184. If a *keili* that requires *tevillo* was mixed together with utensils that have already been immersed and the *untoveled* utensil is unidentifiable, all of the vessels should be *re-toveled*. If this poses a difficulty or expense, a *rav* should be consulted.

### **Invited as a Guest**

185. If one is invited to eat at a friend's house who keeps kosher and it is known that the host's utensils have not been *toveled*, a *rav* should be consulted. However, it is not proper or necessary to investigate if the host complies with the laws of *tevillos keilim* since we assume G-d fearing Jews comply with the *halochah*. If by error a non-*toveled* utensil was used to prepare food, the food is still considered to be kosher and must be eaten on properly *toveled* dishes. Food served on a plate that has not been immersed should not be eaten from that plate.

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להחיותם ולהיטיב עמם, וכש"כ שלא להרבות שנאה ותחרות בינינו וביניהם, ועוברין על לא תשנא ועוד כמה לאוין שאין איסורן קל מאיסור זה שאנו באין להציל אותם ממנו (ואף למכור לנכרים כן שגם הן מוזהרין על השלום עם ישראל) וכו' והלכך שקלו חז"ל בפלס עד כמה שיש להתנהג לקונסם ולמשוך ידינו מהם ושלא נגרום מכשולים יותר גדולים להם ולנו, והכריעו לאסור בזמן שהוא ודאי לעבירה ולהתיר בספק וזו דרך הממוצעת והישרה עכ"ל.

ובמנחת שלמה ח"א סימן ל"ה הקיל כע"ז בחילוני אף באיסור ודאי דל"ח מכשול אם יגרום שנאה.

### *After Pesach*

186. After Pesach, it is necessary to be vigilant to only buy chometz from gentiles or from Jews who sold their chometz during Pesach. Were chometz to have been owned by a Jew on Pesach in violation of the halochah, that chometz should not be consumed by another Jew and is considered not kosher. This is a rabbinic penalty as a disincentive to own chometz during Pesach. This includes beer, bread, cat and dog food that contain grain, cereals, cookies, pasta, pretzels, soy sauce, wheat germ and whiskey.<sup>155</sup>
187. However, if the Jew who had chometz before Pesach had sold his chometz through a reputable rabbi in order to comply with the halachic requirements of Pesach, that food may be eaten after Pesach even by those that would not otherwise rely on the form of sale for their own personal needs. As long as the Jew had complied with all halachic requirements from his perspective (whether or not the measures taken were halachically sufficient), there is no basis to penalize that person (see note [126](#)).
188. Rav Moshe Feinstein (O.C. 1:149) goes one step further. Even a store owner who sold his chometz through a rabbi before Pesach and subsequently kept his store open for business during Pesach selling chometz, nevertheless, whatever chometz is left in the store after Pesach may be purchased by observant Jews. The original sale is binding and irreversible. The store owner is considered to have repurchased those items of chometz he sold during Pesach from the gentile or stolen them, but that has no effect upon the previous sale. It also does not prove that

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<sup>155</sup> See section [147](#) where I come to the conclusion that only when a *kezayis* of chometz was left over Pesach does it become forbidden after Pesach. Crumbs that are less than the size of an olive (less than 3 ml) are permissible to consume after Pesach.

he had no serious intention to go through with the sale. All the food stores and restaurants at Ben-Gurion Airport sell their chometz before Pesach. Most of them, however, are open for business during Pesach and sell chometz.

189. An important distinction needs to be made between the nature of forbidden chometz after Pesach and chometz concerns before Pesach. Before Pesach, one avoids consuming known chometz or even when there is a doubt that chometz may be in a product. After Pesach, only if one is certain that a product is chometz should one avoid benefitting from it. If there is a doubt whether the item is chometz, it is permitted to consume it. This is relevant when shopping in a store that is owned by a majority of Jews and the chometz was not sold, all chometz products that were owned during Pesach should not be bought at that store. Once a reasonable doubt arises that the merchandise is new and was not owned by the store during the holiday of Pesach, it is permissible to buy those items at that store. Also, items that are generally avoided on Pesach due to a concern that they *might* be chometz are permissible after Pesach even if owned by a Jew during Pesach. This includes flour, ketchup, mayonnaise, mustard and maltodextrin.

190. Kashrus Experts in the U.S. have identified many producers of whiskies that appear to be owned at least part by Jews and have not been sold over Pesach. Since the production of such whiskies is done over years, the problem extends to whiskies produced years ago as well. The following list of whiskies are not recommended unless there is basis to believe that they were not owned by a Jew over Pesach.

1792 Ridgemont	A. Smith Bowman	Antique Collection
99 Schnapps	Ancient Age	Barton

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Blantons	Hancock's	Old Thompson
Bowman	Presidents Reserve	Old Weller
Buffalo Trace	Herbsaint	Pappy Van Winkle
California Deluxe	Highland Mist	Peychaud's
Canadian Host	House of Stuart	Regan's
Canadian Hunter	Imperial	Rich & Rare
Canadian LTD	James Foxe	Rock Hill Farms
Canadian Supreme	Kentucky	Royal Canadian
Colonel Lee	Gentleman	Sazerac Rye
Dr McGillicuddy's	Kentucky Tavern	Ten High
Eagle Rare	Lauder's	Thomas H. Handy
Elmer T Lee	McAfee's	Tom Moore
Experimental	Benchmark	Van Winkle
Collection	Mr. Boston	Very Old Barton
Fireball	Northern Light	Virginia Gentleman
Fleishmann's	Old Charter	W L Weller
George T. Stagg	Old Rip Van Winkle	

Most of these items are produced by The Sazerac Company <http://www.sazerac.com/> . While they have recently begun to sell their chometz products for Pesach, it will take about 8 years for the first products being produced to reach the market. It will take even longer to be confident that the bourbon and whiskies are kosher. For a full list of their products see their website and brand portfolios.



It should be noted that if it is possible to return the *chometz she'ovar olov haPesach* (e.g., any of the bourbons mentioned above), one may do so and receive the refund. This is not considered benefitting from the chometz since the transaction is entirely reversed as a *mekach taus* (invalid sale if the buyer was unaware of its halachic status at the time of purchase and would never have made such a purpose were he to have known).

191. In general, a large supermarket will have a two-week turnover. So if a store is known to be owned by a Jew who did not sell his chometz over Pesach, one should avoid buying chometz products for two weeks after Pesach. Smaller stores may have a longer time of turnover of their products. Alcoholic beverages have a longer turnover period and should not be purchased until after Shavuot.

192. If it is not known whether the owner or major shareholders are Jewish, one may go after the majority of the people in the community. If the majority are not Jewish, without any significant indication otherwise, one may assume the owner is not Jewish. If the owner is not observant, having a last name that sounds Jewish is not sufficient indication nowadays that the owner is halachically Jewish.

### **Processed foods that might contain chometz**

193. Chometz that is an ingredient in a food product (e.g., ketchup, mayonnaise or soy sauce may contain ingredients that are derived from wheat) generally will add flavor to the mixture (otherwise it would not have been added). A chometz flavor in a food item (that was owned by a Jew during Pesach) will remain forbidden to consume or to benefit from even after Pesach is over. However, there are two conditions that need to be met for the mixture to be *chometz she'ovar olov haPesach* and forbidden.

193.1. One needs to be certain that the ingredient of the mixture that is chometz is without a question a chometz derivative. Often it is unclear if the ingredient is a chometz derivative. During Pesach we

assume the worst-case scenario and suspect that it is chometz. After Pesach, you may assume the best-case scenario and consume a food that *might* have chometz in it, but also might *not* have any chometz in it. Vinegar found in ketchup, for example, might be from grain but also might be from a non-chometz source. Mayonnaise contains protein that *might* be from chometz or it might be from corn. While one needs to be careful to avoid consuming these items during Pesach, regarding the penalty after Pesach, if there is a reasonable doubt whether it is a chometz derivative, one need not avoid consuming it after Pesach.

- 193.2. The second condition is that the total amount of chometz in the mixture is at least the size of a standard olive (3 ml). For example, a box of Kellogg's corn flakes may have barley mixed into the flakes. If the entire box has a *kezayis* of barley in it, then one cannot consume the cereal if it was in the possession of a Jew during Pesach. However, should a bottle of soy sauce have a wheat mixed in but the total amount of wheat used for the soy sauce was less than a *kezayis* (or likely was less than a *kezayis*), it may be consumed after Pesach, even if it was in the possession of a Jew during Pesach.<sup>156</sup>

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<sup>156</sup> עיין שו"ע או"ח סימן תמ"ז ס"א, ובמ"ב שם ס"ק ק"ב, דאיסור חמץ שעבר עליו הפסח הוא קנס היכא דקעבר על בל יראה ובל ימצא, ועוברים על ב"י וב"י אף בתערובת חמץ, אולם עכ"פ בעינן שיהא בזה כזית אף שלא בכדי אכילת פרס. וע"ש בבב"ה ד"ה בין, דדחה המ"ב דברי המ"א דאם יש טעם בתערובת חמץ (יש בו פחות מששים) ואין בו סה"כ כזית, אסור באכילה דטעם חמץ קטעים. דהרי כיון דאין בו כזית לא קעבר על ב"י וממילא לא שייך לאסרו אחר הפסח, וכן מוכח מהגר"א ס"ק ל"ט. ואף שאפשר דהגר"א מחמיר בבל יראה בפחות מכזית, אי"ז אלא חמץ בעין אבל לא כשהוא בתערובת, וע"ע במקור חיים. עכ"פ הכא דמיירי לענין תערובת, נראה דיש להקל להתיר באכילה אם אין בו כזית חמץ בתערובת, וכפשוטו המ"ב. ואף שבבב"ה כתב דצ"ע למעשה, ונגרר אחר המקו"ח, נראה דעכ"פ בקנס חמץ לאחר הפסח שהוא מדרבנן יש להקל.

### How to Sell My Chometz

194. The sale of chometz in the days before Pesach often takes a prominent role in the lifecycle of most Jews. Technically, one need not sell his or her chometz. One can make sure that he has destroyed or given away all his chometz and with that discharges his halachic obligations. Nevertheless, it is advisable to use the standard sale and sell any chometz that may be in one's possession just to be on the safe side. Often a person may forget the existence of chometz and find it afterwards and inadvertently have violated possession of chometz. Furthermore, without a sale, that chometz will become forbidden to use if it was not sold to a non-Jew for Pesach. In addition, in today's consumer-oriented environment where many products may contain numerous ingredients that are unfamiliar to the consumer, it is possible, even likely, that some people may purposely keep items that they believe are chometz-free, but in fact, are not. Therefore, it is recommended that you approach your local rabbi and arrange for him to sell your chometz for you. Once you have done that, should chometz be found on Pesach, it can be put in the area that is sold for Pesach and is usable after Pesach when the Rav purchases the chometz again. The Rav

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בדי"א כשנתערב פחות מששים ונותן החמץ טעם בתערובת, אבל אם נפל חמץ בתערובת ונתבטל בששים, אף שבפסח אסור לאכול דאיסורו במשהו (מדרבנן) מ"מ לענין אחר הפסח שרי לכתחילה לאוכלו דהרי אין כאן איסור כלל. וכ"כ המ"ב ס"ק ק"ב. והוסיף שם דלפני פסח רשאי לבטל חמץ בששים כדי להחזיק התערובת לאחר הפסח ולאכול אז. אמנם כל שעירב חמץ בתערובת במזיד כדי לאוכלו בפסח, אף באופן שבאמת נתבטל בששים, מ"מ אסור לאוכלו בפסח עצמו. אמנם כשכוונתו לאוכלו לאחר הפסח, רשאי לאוכלו לאחר הפסח (ואפשר בכה"ג דרשאי ג"כ לאוכלו בפסח אם לא הערים ועשה כך כדי להתיר התערובת לפסח). ובמ"ב ס"ק ק"ג ס"ל דאם עירב החמץ בפסח עצמו בששים, אסור לאוכלו לאחר הפסח דהוי כמבטל איסור בידים כמבואר ביו"ד סימן צ"ט ס"ה, אמנם בחזו"א או"ח סימן קי"ט ס"ק כ"ב תמה עליו שהרי חמץ בפסח אסור במשהו ואין כאן מבטל איסור, וס"ל לחזו"א דגם אם עירב בפסח משהו בתערובת ולאחר הפסח נמצא שבטל בששים, רשאי לאוכלו.

והנה במזון תעשייתי שמכניסים הרבה מרכיבים מן הסתם כ"א נותן טעם והוא פחות מששים, ולכן אם יש בו כזית ודאי חמץ בתערובת הוי בכלל חמץ שעבר עליו הפסח.

you choose will offer you his guidelines and ask you to formally appoint him as your agent to sell the chometz that is in your home to a gentile. Often the Rav will ensure that the non-Jew has access the chometz.

195. If you wish, you may ask Rav Rubanowitz to act as your agent to sell your chometz for you. Here are the basics of his guidelines in English and in Hebrew. You will find an expanded version online at:

<https://kollelyadshaul.co.za/sale-of-chometz/>

196.

### **Information You Should Know about the Standard Sale of Chometz**

- A. You are appointing the Rav as your agent to sell your chometz to a gentile. You are not selling your chometz to the Rav. You are also appointing the Rav as your agent to lease the area belonging to you and where the chometz is, to the non-Jew.
- B. In order to show serious intent to appoint the Rav as your agent to sell your chometz and lease the space in which the chometz is in, it is customary for each household head to perform a *kinyan suddar* and sign the form. This indicates conviction and intent. It is also effective to sign and send the form electronically or even to call the rav by phone. (Reportedly, the Chazon Ish did not use a kinyan sudar when appointing the Rav to sell his chometz.) It is necessary to verify with the Rav that he has received your form. You cannot be certain that your chometz will be sold until you receive a confirmation from the Rav that he has handled your request. You may also submit your form online at <https://kollelyadshaul.co.za/sale-of-chometz/>
- C. Do not send children to arrange for the selling of chometz.
- D. A married woman may act on behalf of her husband and family to sell their chometz via the Rav. Should the financial arrangements of the couple be unusual, it might be necessary for the husband to appoint his wife as his agent in order for her to act on his behalf to sell his chometz and to rent the space where the chometz is located.
- E. Chometz that was purchased *after* the Rav was appointed as your agent to sell your chometz, should preferably be consumed or destroyed before Pesach. Thus, it is advisable that once you have appointed the Rav as your agent, the amount of chometz that you purchase should be limited to that which you expect to consume before Pesach. If you wish for the chometz

that was acquired after the appointment to be included in the sale, it is advisable to contact the Rav again and request that he be your agent to sell all the chometz that you own to date.

- a. (This is despite the fact that the form specifically refers to all chometz owned *or that will be acquired before Pesach*. The rationale for this is since it is not a halachic certainty that the appointment of the Rav as your agent will cover chometz that you do not own at the time of appointment.)
- F. If you will be away from home the entire Pesach, you may appoint the Rav as your agent to rent your home and sell all the chometz therein to a non-Jew. After this, you do not perform *bedikas chometz* in your home. Should you wish to utilize this *halachah*, make a note in the Power of Attorney document that you will not be home the entire holiday and that you wish the Rav to rent to the non-Jew the entire home. This will then be reflected in the Sale Contract with the non-Jew (i.e., the entire home is rented for the entire holiday and the chometz therein shall be sold to the non-Jew. You should perform *bedikas chometz* in your new residence that you entered before Pesach.
- G. If you planned to be gone for the entire Pesach and sold all of your chometz through the Rav to a non-Jew and did **not** perform *bedikas chometz* (as explained in previous section) and subsequently decided to let a friend or relative use your home for Pesach, the Jewish guest must perform *bedikas chometz* before using the residence.
- H. If you will be staying in your home over Pesach, you should mark all the areas in your home or office that contain the chometz which you plan to sell, as “**sold-chometz**”. This should be done the night of *bedikas chometz* (or earlier). This way, anyone coming into the home will be able to identify chometz areas. The chometz should be behind a barrier so that it is not easily accessible on Pesach. A cupboard door or closed box are good

examples of a *mechitzah*. A sheet, curtain or thin layer of foil is insufficient. It is advisable to tape the barrier closed so the cupboards are not opened inadvertently. This way, for the duration of Pesach you are reminded not to steal from the non-Jew or eat chometz.

- I. On the sale of chometz form, designate the specific areas in your home or office that you plan to keep the chometz and wish to lease and sell the chometz therein.
  - a. Do not keep chometz in the freezer or refrigerator in your kitchen which you will use over Pesach. You may keep chometz in a separate freezer or refrigerator (preferably not in the kitchen) and tape the doors closed and do not open over Pesach.
- J. Sometimes items that are not chometz are left in a cabinet that has items that are sold. For example, a bathroom cabinet or medicine chest may have chometz and non-chometz items and the cabinet may have been marked as sold and taped shut. Should you need an item during Pesach that is **not** chometz, and it is behind the *mechitzah*, you may open the seal or cabinet, or enter the room that was rented, in order to remove the item that you need. It should be a brief and temporary entrance for only as long as it takes to remove the item that you need.
- K. Should a Rav rule that you may ingest medicine that **is** chometz and was sold to the non-Jew, you may still remove it from the closed area and if necessary, prepare an accounting with the non-Jew after Pesach.
- L. Should you find chometz in your home on Pesach, it is not necessary to destroy it. Just place it in the area designated for chometz sold to the non-Jew.

197.

## Delegation of Power of Attorney for Standard sale of Chometz

1. I, the undersigned, fully empower and permit Rav Baruch Rubanowitz, Rosh Hakollel of Kollel Yad Shaul, Johannesburg, RSA and Rav of Kehillat Kol Rina of Nachlaot, Yerushalayim, to act in my place and stead, and in my behalf to sell all chometz, as defined by the Torah and rabbinic law (e.g. chometz, anything that might be chometz, and all kinds of chometz mixtures), possessed by me (knowingly or unknowingly), or that belongs to others that is in my possession that I have authority to sell, wherever it may be.
2. This power of attorney applies to any chometz that is in my direct possession or if it belongs to me but is in the control of someone else (even if the other party has some liability for the chometz) and chometz that is partially owned by me or that I may have certain rights in. The power of attorney also applies to chometz that belongs to others for which I accepted some degree of responsibility and am authorized to sell or chometz owned by a company that I have shares therein. Included in this is chometz (as defined above) that I shall acquire up until the execution of the sale by the agent appointed. Furthermore, I assign Rav Rubanowitz with power of attorney to lease all places wherein the chometz owned by me may be found, especially in the premises located at:

(All possible addresses, including office locations, warehouses, storage, car, etc.)

\_\_\_\_\_ and  
elsewhere. If you will not be in your home the entire Pesach, and you wish to be exempt from *bedikas chometz*, you should note that you wish to rent the entire home to the non-Jew for the duration of Pesach. \_\_\_\_\_

Rav Baruch Rubanowitz has the full right to sell and to lease by transactions, as he deems fit and proper and for such time which he believes appropriate.

3. Also, I hereby authorize Rav Rubanowitz to appoint a substitute in his stead with full power to sell and to lease as provided herein. That substitute agent may also appoint an agent up until 100 agents.
4. The Rav or his agent may accept a partial payment and thereby transfer the above to the purchaser and the money accepted by the agent on my behalf may be kept by the Rav or his agent. The Rav may make the sale or lease for any price he wishes, he may make the transfer relying on credit, or use any *kinyon* he deems fit including *zechiyah*. The Rav or his agent's words, actions and admissions shall be deemed as if they were my own words, actions and admissions.
5. Permission is hereby granted for the Rav or his agent to nullify (*bitul*) or make ownerless (*hefker*) the chometz and he may provide permission to the buyer to enter my property and every area



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for which I have permission to enter in order to reach the location which he has rented and access the chometz he purchased.

6. I agree that upon request I shall promptly provide the buyer with keys and all necessary codes to access those areas rented and the chometz purchased. (The non-Jewish buyer can also contact \_\_\_\_\_ to gain access to the merchandise.)
7. Whatever condition or term is agreed upon or written between the Rav, his agent and the buyer, I agree to accept without any right to refuse or object. I hereby relinquish the right to claim that the agent acting on my behalf is not acting in my best interests.
8. The above given power shall be done in a fashion so that it is in conformity with all Torah and rabbinical regulations and laws and also in conformity with the local laws of the country that the chometz is in or that I am in (e.g., if the chometz and I are in Israel, the sale shall be done according to the laws of the State of Israel, if the chometz and I are in the RSA, the sale shall be done in a fashion that is consistent with those local laws). This way, the sale will be enforceable in halochah, Beis Din and/or in secular court. I agree that this power of attorney shall not be made invalid due to any missing or extra words or letters or erasure and should have the full force of a halachic *harshe'ah*. Permission is hereby granted to authorize this power of attorney in a court of law as an irrevocable power of attorney until the onset of Pesach 5781. To this I hereby affix my signature on this \_\_\_\_\_ day of Nissan in the year 5781. Secular Contractual Date: \_\_\_\_\_, \_\_\_\_, 2021. *Vehakol Sharir Vekayom*.

Signature: \_\_\_\_\_ Name: \_\_\_\_\_

Address of Chometz: \_\_\_\_\_

My address during Pesach: \_\_\_\_\_

Phone/WhatsApp: \_\_\_\_\_ Email: \_\_\_\_\_

Any special issues I should be aware of? Will you and your chometz be in different time zones? Please elaborate. \_\_\_\_\_

Deliver completed form to Rav or email it to address below. If you have any questions, please call the numbers below.

No Fee required! Service tip strictly optional.

If you would like to make a donation to help needy families enjoy their Pesach, please contribute towards the Rabbi's Discretionary Fund (RDF) and I will make every effort to disburse the funds for Yom Tov. To receive bank transfer details to an Israeli, U.S. or RSA bank contact the Rav.

### דינים השייכים למכירת חמץ רגילה

1. לא מוכרים החמץ לרב אלא ממנים את הרב שליח למכור חמץ ולהשכיר המקומות שיש בהם חמץ, לנכרי.
  2. ראוי שכל בעה"ב יחתום בעצמו על שטר ההרשאה וימסרנו אישית לרב ויעשה קנין סודר לחזק גמירות דעתו במינוי הרב לשליח למכור חמצו ולהשכיר מקום החמץ.
    - 2.1. אם א"א לפגוש את הרב אישית, אפשר לשלוח שטר ההרשאה ע"י אחר לרב, או בצורה אלקטרונית או מינוי דרך אתר כולל יד שאול.
- <https://kollelyadshaul.co.za/sale-of-chometz/>
- לא מספיק לשלוח טופס לרב ולהשאיר הודעה, אלא חייבים להתקשר אליו אח"כ לדבר אתו לוודא שהרב קבל הטופס ולמנותו כשליח כפי כל מה שכתוב בטופס. אם הרב שולח הודעה אלקטרונית שקיבל המינוי א"צ להתקשר לרב.
  3. אין לשלוח ילדים קטנים למכירת חמץ.
  4. אשה נשואה יכולה למכור החמץ עבור בעלה והמשפחה במקום הבעל. אמנם אם יחסי הממון בין הזוג אינה כפי הרגילות בימינו יתכן מצב שהבעל צריך למנות אותה לשליח למכור עבורו את החמץ ולהשכיר את המקומות שיש בהם חמץ.
  5. אין למנות את הרב שליח עבור מישהו אחר בלי הסכמתו המפורשת. עדיף שהשני יתקשר בעצמו, ואם יש צורך, השני יכול למנות אותך שליח למנות את הרב שליח למכור את החמץ כפי הבנת הרב.
  6. מי שקנה חמץ לאחר שכבר מינה הרב לשליח למכירת חמץ ורוצה שהחמץ החדש יהיה כלול בתוך המכירה, מן הראוי שימנה שוב את הרב לשליח אע"פ שבשטר ההרשאה כתוב שממנה את הרב גם על חמץ שעתיד לבא לרשותו. שאין הדבר ברור בהלכה שמועיל מינוי באופן כזה.
  7. מי שלא יהיה בביתו לפסח, יכול למנות את הרב להשכיר את דירתו לנכרי ולמכור את כל חמצו שם לנכרי ואז הוא פטור מבדיקת חמץ. מי שרוצה ליפטר מבדיקת חמץ, יציין בשטר ההרשאה שרצונך להשכיר את כל הבית לנכרי ואין אתה מתכוין להיות שם במשך הפסח.
  8. מי שמכר חמצו לנכרי ולא בדק ביתו, ולא יהיה נמצא בביתו לחג הפסח ורוצה להשאיל את ביתו לחבירו להשתמש בה, חייב המשתמש לעשות בדיקת חמץ לפני השימוש.
  9. בליל בדיקת חמץ, יש לסמן את כל המקומות שיש שם חמץ בביתך כמכור. יש צורך במחיצה בפני החמץ שלא תטעה לפתוח אותו בפסח. למשל, חמץ בארונות יש לסמן ולשים עליהם דבק חזק שאם בא לפתוח הארון לא יוכל, וישמש כזכרון שלא לאכול חמץ ולא לגנוב מהנכרי.
  10. מי שמכר חמצו ע"י הרב ושם מחיצה וסימנים על אזור המכור, ובתוך הפסח צריך לדבר הנמצא מאחורי המחיצה (כגון שיש לו חפצים שאינם חמץ במחסן המושכר לנכרי), יכול ליכנס לזמן קצר ובדרך עראי להוציא החפץ הנצרך.
  11. הנצרך לתרופה בפסח, והתיר לו חכם להשתמש בתרופה בפסח, והתרופה היא מהדברים שנמכרו לנכרי, בכ"ז יכול להשתמש בו, ואם יהיה צורך יעשה חשבון עם הגוי לאחר הפסח.
  12. המוצא חמץ גמור בביתו תוך הפסח, א"צ לשורפו אלא יכניסו את החמץ מעבר למחיצה.

### שטר הרשאה ושליחות למכירת חמץ רגילה

אני \_\_\_\_\_ הח"מ נותן בזה כח ורשות להרב ברוך בן הרב יוסף עזריאל למשפחת רובנוביץ שליט"א להיות שלוחי, למכור חמץ שלי, וגם של אחרים שבידי (שאני רשאי למוכרם), קודם זמן איסור הנאה. הרב שלוחי למכור כל מיני חמץ, תערובת חמץ וחשש חמץ שלי הן הנמצא בביתי בעיר \_\_\_\_\_ ברחוב \_\_\_\_\_ מספר \_\_\_\_\_ (קומה \_\_\_\_\_) הן בכל מקום אחר שנמצא, הן הנמצא בידי אחרים, הן פקדון בידי או חמץ שלי המופקד אצל אחרים, וכל שיש לי חלק וזכות בהם, וכן חלקי שיש במניות של חברות שיש בבעלותן חמץ וכן כל חמץ וחשש חמץ העתיד לבא לרשותי עד מועד ביצוע השליחות. כמו"כ אני מיפה כח הרב הנ"ל להשכיר לנכרי כל המקומות שהחמץ מונח שם. (לאלו שרוצים ליפטר מבידוק חמץ ולא יהיו בדירתם במשך חג הפסח יכולים להרשות לרב להשכיר את כל הדירה כולה, ויש לציין זאת כאן: \_\_\_\_\_).

על הכל אני עושה הרב הנ"ל שליח למכור כל סוג חמץ לפני זמן איסור חמץ וכן להשכיר את המקומות שיש בהם החמץ, הן ע"י עצמו, הן ע"י שלוחו לכל מי שירצה, הן ע"י שליח שלוחו עד מאה שלוחים ובכל מחיר שירצה, ובהקפה ובאיזה קנין שירצה ואפילו ע"י זכיה. ואם ירצה הרב ינתנו דמי קדימה לו ובזה יקנה כל הנ"ל לקונה, וגם אם יזכה הרב עבורי את דמי הקדימה איני מקפיד אם יטלם לעצמו, ותהא ידו כידי פיו כפי והודאתו כהודאתי. וגם אני נותן לו רשות להפקיר את החמץ הנ"ל ולבטלו, ורשות בידו לתת לקונה ממנו דריסת רגל דרך רשותי ודרך רשויות המושכרות והשאולות לי למקומות המושכרים הנ"ל. ומחייב אני למסור לקונה ממנו את המפתחות החדרים והמקומות הנ"ל בכל עת שירצה. **המפתחות מונחים אצלי או אצל \_\_\_\_\_**. וכל מה שיתנה או יכתוב בשטר המכירה לקונה ממנו עלי לקיים בלי טענות וערעור ולא אוכל לומר לתקוני שדרתיך וכו'. הרשאה זו נעשית גלויה ומפורסמת ולא תיפסל בחסיר ויתיר ולא בטשטוש ומחק ויהיה תוקפה ככל שטרי הרשאה הנעשים ע"פ תקנת חז"ל דלא כאסמכתא וכו' ורשות נתונה לאשר הרשאה זו על פי חוקי הממשלה להיות תוקפה כתוקף יפוי כח בלתי חוזר. וע"ז באתי על החתום יום \_\_\_\_\_ בשבת \_\_\_\_\_ לחדש ניסן שנת ה'א' תשפ"א לבריאת העולם והכל שריר וקים.

(חתימה) \_\_\_\_\_  
 טלפון נייד ובבית \_\_\_\_\_ דוא"ל \_\_\_\_\_  
 וואטסאפ \_\_\_\_\_

❖ אם ברצונך לתת תרומה לנזקקים לקראת הפסח אפשר להעביר צדקה לקופה של הרב והוא ישתדל לחלקם לפני החג. אפשר לעשות העברה בנקאית. לפרטים יש להתקשר עם הרב.

❖ שרות מכירת חמץ היא חנם. תרומות עבור המתעסקים יתקבלו בברכה.

### שטר התחייבות ערב קבלן

אני ריל לנדא מספר זהות דרום אפריקאי 7202095057084 מזהיר בזה וחתומת ידי דלמטה תעיד עלי כמאה עדים, איך שכל הסך שמגיע ממכירי, ופועל שלי, הנכרי, **צפו סלועני** מספר זהות דרום אפריקאי 9005145298089 (שעומד כעת לרכוש חמץ מהרב ברוך רובנוביץ מספר דרכון ארה"ב 567865097 שהוא עומד כשליח בעד אחרים שמינו אותו למכור חמצם לנכרי) להרב ברוך רובנוביץ הנ"ל, בעד כל החמץ שיקנה ממנו בקנין גמור ומכירה חלוטה, במקח המבואר בשטר מכירה שימסור לידו, מחוייב אני הח"מ לסלק להרב הנ"ל, לזמן פרעון לא יאוחר משני ימים אחר זמן ההתחייבות של הנכרי הלז במזומנים, בלי שום טענות ומענות ופתחון פה בעולם בעד הא"י הנ"ל, כפי החשבון שיעלה אחר המדידה או המשקל או השומא. ההתחייבות שלי תקפה בין אם ימכרנו הנכרי לאחרים ובין שלא ימכרנו כלל ואקבלנו ממנו בחובו, הריני מחוייב למוכרו בעצמי, לסלק לידי הרב ברוך הנ"ל לזמן פרעון הנ"ל, אם לא שיתרצה מרצונו הטוב לקבל החמץ בפרעון חובו. חיוב זה קבלתי בקגא"ס מיד הרב ברוך הנ"ל. ולראיה

באתי עה"ח ביום **י"ג ניסן תשפ"א**

## שטר מכירת חמץ והשכרת מקומות החמץ בערב פסח מהרב לנכרי

החוזה נלקט מכמה יסודות הנמצאים בשטרי מכירה של גדולי הדורות הקודמים ושל זמנינו

(נו"ב, ר' נתן אדלר, רעק"א, ח"ס, הגר"ז, ר' שלמה גנצפריד ור' נסים קרליץ זצ"ל)

ומנוסח ע"י הרב ברוך רובנוביץ בהתאמה לדורתנו עם הערותיו

### המורשה, המרשה השוכר והקונה

1. אני, ברוך רובנוביץ מספר דרכון ארה"ב 567865097, הח"מ, הבא בהרשאה מאנשים הנקובים בשמותם בשטרי הרשאה, ובקובץ אקסל ובשאר אופנים, בין שהעברתי לקונה רשימת השמות מיד ליד, או בצורה אלקטרונית (כגון בקובץ אקסל או קובץ דיגיטלי אחר) ובין אותם שנתנו לי כח והרשאה וטרם נמסר שמותיהם ופרטים שלהם לקונה, כל אחד מאלו ומאחרים שעשה אותי שליח בלי כתב או סימן, שנתנו לי כח והרשאה למכור חמצם וחשש חמצם ותערובת חמצם ולהשכיר את כל המקומות המפורטים בהרשאות ושאר מקומות חמצם שנה זו (וגם הותנה שאם יש טעות בשמות האנשים והמקומות מכל האנשים המבוארים בשטרי ההרשאה או שנאבד ממני איזה רשימה מהאנשים שעשו אותי שליח למכור חמצם, גם הם נכללים במכירה והשכרה זו), **משכיר בזה לציפו עובד סלועני**

Tshepo Obed Seloane RSA I.D. 9005145298089

את כל המקומות והחפצים המפורטים בהרשאות, וכן שאר המקומות והחפצים של האנשים הנ"ל או המושכרים והמושאלים להם שיש בהם חמץ וחשש חמץ ותערובת חמץ כפי הצריך להשכיר להם ע"פ דין ואפילו הנמצא באשפה, אני משכיר לו חלק באשפה של אותם האנשים הממנים אותי שליח, ומוכר את חמץ שלהם הנמצא שם. וכן אני משכיר לו את הרפתות והלולים והמקומות של בעלי חיים שאני שליח למכור חמצם לנכרי, וכן אני משכיר המקומות שלי ומוכר החפצים שלי שיש בהם חמץ בכתובת:

3 Fountain Road Johannesburg 2192

ובכתובת **מנחת יצחק 15 דירה 1 ירושלים עיה"ק 9448024**

2. וכל שאר המקומות והחפצים שברשותי להשכיר שנמצא בהם חמץ או חשש חמץ או תערובת חמץ שלי ושל אחרים. וכן אני משכיר לו רוחב אמה על פני קצה מזרח של הגינה שלי בירושלים.<sup>157</sup>

<sup>157</sup> בענין מכירת מטלטלין אגב מכירת קרקע סגי בקרקע כל שהוא (קידושין כ"ו). אך במשכיר קרקע ואגבו מטלטלין בענין קרקע ששייך בו ענין שכירות ששוא לנכרי לשכור קרקע כזו לתשמיש של

3. אולם מי שמתכוין להשאיר במקום מגורים במשך ימי הפסח ורוצה להסתובב בדירה שלו, אינו משכיר מקום זה אלא נותן דריסת רגל לקונה החמץ, ובכך מתחייב בבדיקה ובברכה באותם מקומות אף שהמכירה חלה בייג ניסן.

## סוגי השכרה

4. יש שני סוגי השכרות כלולים בהשכרה הזאת. יש כאלו אנשים שישארו בביתם ובמקומותם למשך חג הפסח ומתכוונים להשתמש בביתם ובדירתם ובמשרד שלהם וכדומה לכל ימי הפסח ואין בכוונתם אלא לשכור מקום שבו החמץ נמצא ולא יגיעו למקום הזה כלל, וישימו מחיצה ביניהם ובין מקום החמץ ומקום המושכר. ויש כאלו שלא יהיו בביתם ובדירתם ומקום עבודה שלהם למשך ימי החג, ובכוונתם להשכיר את כל המקום כולו לשוכר הנ"ל, באופן שלא יהיו חייבים ע"פ הלכה לעשות בדיקת חמץ באותם מקומות מאחר ולא יהיו שם כלל. ובהרשאות כתבו אם בכוונתם רק להשכיר המקומות של החמץ או את כל הבית והדירה כולה, והסימן לכך הוא אם רשמו שבכוונותיהם להיות בביתם לפסח סימן שאין רוצים להשכיר כולו אלא מקום החמץ בלבד, ואם רשמו או הודיעו באיזה צורה שהיא שאין בכוונתם להיות נוכח במקום החמץ למשך כל ימי הפסח, רצונם להשכיר את כל האזור ולהיות פטורים מבדיקת חמץ. אולם הותנה עם השוכר, שאם ברצון המשכיר לחזור בו מהשכרתו את כל המקום, שרשאי לעשות כן בכל עת שירצה, והשוכר ירשה לו להכנס ולעשות בו כמו שירצה ואף להשאיל או להשכיר חלקו במקום לאחרים. אולם השכרת מקום החמץ ממש, לעולם ישאר במלוא תוקפו ולא שייך שהמשכיר יחזור בו מזה למשך תקופת השכירות. משך ימי השכירות הוא מעכשיו עד כ"ו ניסן שנה זו.<sup>158</sup>

## כללים ותנאים של החוזה

5. לשון החוזה לפעמים מדבר בעד המשכירים כאילו הם מדברים ישירות עם השוכר ומתנים עמו, ולפעמים מדבר בלשון השליח, הרב, העוסק ישירות עם השוכר והקונה, והכל יתפרש כפי ענינו.

6. זכויות השוכר מוגבל להשתמש במקומות הללו כרצונו לאחסן שם דברים ולא זכות דיור (כלומר אין הקונה החמץ רשאי לדור במקומות המושכרים לו),<sup>159</sup> ויוכל לדרוש מפתחות וכל קוד כניסה לתת לו גישה לכל מקום מהמקומות שהוא שכר, בכל עת ובכל שעה ותהא לו דריסת רגל דרך

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שבוע. כע"ז בח"ס בחדושי לגיטין לו. ולכן, מאחר ואין בכוונתי למכור לנכרי חלקי בקרקע הנמצא בא"י, ואף אסור לעשות כן, לכן אני משכיר לו חלק חשוב וניכר בגינה שלי בארץ.

<sup>158</sup> הסבה שהשכירות נקבע עד כ"ו ניסן הוא עקב הצורך לעשות שומה במדידה במשקל ובמנין של החמץ. זמן המדידה מתחיל בכ"ד ניסן ולכן ניתן כמה ימים לארגן השומה כדי שיהיה מחיר ברור למכר. וכל אותו זמן המדידה, הסחורה ראוי שישאר ברשות הקונה.

<sup>159</sup> עיין מ"ב תמ"ח ס"ק י"ט דישיכיר לו החדר להחזיק בו כליו, ובשעה"צ ס"ק נ"ה ביאר דאילו להשכיר לו לדור אין לו רשות אם היא שכורה לו מישראל. ור"ל דאף אם אין לשוכר רשות להשכיר לאחרים שידורו שם, מ"מ רשאי להשכיר לאחר להחזיק שם חפציו, וא"כ נראה דה"ה בשוכר שיש לו סעיף בחוזה שאסור לו להשכיר לאחרים, מ"מ נראה לפרש דהיינו לדור שם, אבל רשאי להשכיר לנכרי להחזיק שם חפצים. ולכן כדאי להוסיף סעיף זה בחוזה כמו שעשיו לשוכרים שאסורים להשכיר לאחרים.

רשותינו ורשויות המושכרות או שאולות לנו למקומות המושכרות הנ"ל.<sup>160</sup> כמו"כ יש לו רשות לבקש פינוי כל מה שיש במקומות הנ"ל, ואף שכעת אינו מקפיד שישומו שם דברים ולא על דריסת רגל של אחרים בתוך המקומות המושכרות לו.<sup>161</sup>

<sup>160</sup> עיין תמ"ח ס"ג דצריך שיהיה לקונה המפתחות, וע"ש במ"ב ס"ק י"ב דסגי כשיש לו גישה למפתחות.

והנה בשנה שעברה שנת תש"פ היתה מגפה של וירוס קורונה, וחג הפסח מתקיים תוך חוק ההסגר מהמדינה שאסור לצאת מהבית רק לעניינים הכרחיים וחיוניים, ורוב בתי עסק סגורים, ויש קנסות על מי שנמצא בחוץ, ונתעורר השאלה האם ההסגר משפיע על תוקף המכירה. ודומה הדבר לזלזול במסירת המפתחות. כשאין המוכר מוסר המפתחות, האם יש לחשוש שהגוי יוכל לבטל המכירה בטענה שהמוכר גילה דעתו דעשה רק לפניו ומעולם לא מכר לו בלב שלם, והישראל עושה בהערמה, וממילא אין בדעת הנכרי לקנות באמת. וכ"ש כשאסור ללוקח להסתובב לקבל את החמץ שלו אולי יש מקום לבטל תוקף המכירה.

בעיקר השאלה כשנמנע מלמסור המפתחות ישב ע"ז גדולי הפוסקים, ובשדי חמד אסף הרבה מהם, ע"ש מערכת חמץ סימן ט'. מקור הדברים מהט"ז תמ"ח סק"ד שאסור לישראל לסגור הדירה ויחזיק המפתח באופן שאין הגוי יכול ליכנס שם מעצמו. ובחק יעקב חילק בין הסגיר הישראל קודם המכירה להסגיר לאחר המכירה ע"ש.

ישנה ג' פירושים בדברי הט"ז.

1. נו"ב ח"א סימן י"ח הבין דברי הט"ז מחשש הערמה, ותמה ע"ז מה בכך שיש הערמה, כל שהיתה המכירה כדין רשאי להערים, והעיקר לדעת האם ע"פ הלכה קעבר הישראל משום ב"י ובי"י.

1.1. וע"ז יש להשיב כמש"כ, דאולי מחמת חשש ההערמה הגוי יבטל המכר דהרי ניכר שלא התכוין הישראל ברצינות, וכך יש מקום לבאר דברי הט"ז וליישב קושית הנו"ב.

2. בשו"ת שואל ומשיב מהדו"ק ח"ג סימן ק"כ, ביאר דאין כוונת הט"ז משום חשש הערמה אלא כיון שנשאר חייב לו המעות וכשלא מסר לו המפתחות הוי כגילוי דעת דתפיס ליה אדמיה ונעשה הישראל כש"ש, ואף שהתנה שלא מקבל אחריות כיון שידוע שהנכרי לא ישלם לו הוי כאחריות דאלם, ומשו"ה אסור.

2.1. אולם פירוש זה אין לו זכר בדברי הט"ז, וטענה זו של אחריות דאלם לכאורה יש גם כשמסר לו המפתחות, ויותר נראה דאלמות כזאת אין בו משום חשש ב"י ובי"י, ויש לדחות פירוש זה בדברי הט"ז.

3. המובחר בפירושים הוא מה שהזכיר השדי חמד הנ"ל, דמסירת המפתח נועד כדי שהגוי יוכל להכנס לשטח ששכר ולקחת הסחורה אם ירצה, וזה מסלק טענה של הגוי שלא נמכר רק לעקוף איסור תורה של החזקת חמץ אבל אינם רציניים באמת למכור, והרי תראה שאין לי גישה להכנס. אבל אם יש לו אפשרות של גישה, א"כ באמת יוכל להשתלט במקום ולהשתמש בסחורה, ומי יוכל לבטל המכירה אחרי זה. נמצא דמסירת המפתח היא סבה כדי לחזק שאר

7. **תוספת בחוזה עקב מחלת הקורונה:** ליתר שאת וחיזוק החוזה, מוסכם בזה שהשכירות והמכירה חלה אף אם יש הגבלות תנועה ברחובות העיר ואיסור יציאה מהבית מטעם הממשלה, ואף אם יש קנסות על מי שנמצא ברחובות בלי אישור מיוחד, מ"מ הקונה והשוכר מגלים דעתם בפירוש שרוצה בהשכרה אף שהוא לזמן קצר תוך ימי ההסגר כיון שע"יז יוכל לרכוש חמץ, ורוצה לרכוש חמץ עקב שוויותו ומקווה שיהיה לו האפשרות להחזיקו לעולם אם ירצה בכך, ושיהיה עמיד, סחיר, וראוי לשימוש בזמן שיהיה יכול לגשת ולהשתמש בו. מלבד זאת, יתכן ויוכל להגיע אל המקומות שיש בהם החמץ בהיתר או באיסור גם בתקופת האיסור לצאת מהבית, בין ע"י עצמו בין ע"י שלוחו, בין החמץ שנמצא בעירו, בין החמץ שנמצא בעיר אחרת רחוק ממנו, ושאי"א להגיע לשם בעצמו. מ"מ אפשר לבקש משליח הנמצא שם להגיע לחמץ ולהשתמש בו. ולכן מודיעים הצדדים בפירוש שכוונתם למכירה מעולה וחלוטה וגמורה ולא יהיה פתחון פה לשום צד לבטל המכירה בטענה שיש מום במקח מחמת שאין אפשרות גישה, ומחמת טענה שאין הצדדים מתכוונים באמת למכירה מאחר שלא סביר שיגיע הקונה לסחורה,

הקנינים שלא יהיו קנינים אם מום גדול וחשש ביטול מכירה. אולם גם בלי מסירת מפתח, בדיעבד המכירה חלה, ודברי הט"ז הם הנהגה לכתחילה.

כ"ז לענין מסירת המפתח, ויש לדון מה הדין כשיש לו מפתח או אפשרות להשיג מפתח בקלות אבל יש איסור יציאה של המדינה (כגון בתקופת הקורונה) ויסתכן בקנסות להשיג הסחורה האם יש בזה משום חסרון במכירה, לכתחילה או בדיעבד.

ולעני"ד נראה דאין בזה חשש כלל מכמה טעמים. הרי רשאי לצאת לקניית אוכל. ואם יתפס ויגלה לשוטרים שיוצא לקבל סחורה של אוכל שכבר קנה לצורך משפחתו, נראה דלא יקנס ואינו צריך לקנות בחנות הקרוב אם כבר יש לו. ועוד, הרי אף אם לא יוכל להשיג חמץ מיד הרי אפשר לקנות סחורה שיכול לעמוד לימים רבים למסחר, והרי קונה במחיר טוב, ולאחר שהמגפה תעבור יוכל להשתמש במה שקנה. והרי המחיר הוא לפחות 10% יותר זול ממה ששוה באמת, וכדאי לקנות למסחר ויחכה עד יעבור זעם.

מ"מ לרווחא דמילתא, בשנת תש"פ כשהיה איסור מוחלט לצאת ברחובות בעיר יוהנסברג, דאגתי שיהיה לנכרי שקונה הסחורה רשות מהממשלה בכתב שהוא עוסק בדבר הכרחי וחיוני ומותר לו להסתובב חפשי בעיר ובמדינה כרופא. ולכן גם בנקודה הזאת אין מקום לפקפוק אף שלא נראה לי שיש צורך בכך. בשנת תשפ"א יש חופש תנועה בעיר יוהנסברג ובארץ. ונעשה מכירות לנכרי ביוהנסברג ובארץ ומגפת הקורונה עדיין נמצאים אבל אינה משפיע על המכירה.

<sup>161</sup> נכתב בדקדוק שלא יהיה רשות למשכיר לשים שם חפציו ולעבור במקום המושכר, דאם יש למשכיר דריסת רגל שם ותפיסת יד הרי רשותו הוא וחייב לבער החמץ משם. ולכן נכתב בצורה שאסור למשכיר להשאיר שם חפציו רק ברגע זה אינו מקפיד, וכשירצה יקפיד ויהא אסור למשכיר להכנס לשם.

ומלבד ענין הממון שאסור למשכיר להכנס לאזור שכבר השכיר, יש גם איסור מצד הלכות חמץ להכנס שמא ישכח וישתמש בחמץ שהרי ליכא מחיצה והיכירה. מרן החזו"א התיר להכנס פעם אחת באופן עראי, אך לא בקביעות.



ולהוציא מכל זה, הוספנו בפירוש שלמרות ההסגר, רוצה הקונה במכירה, ואף מסביר איך יוכל ליהנות מהסחורה שקונה.

## השכרת מקום החמץ

8. את כל המקומות שיש בהם חמץ או שהוסכם להשכיר לו כנ"ל, אני **משכיר** לו

**במחיר** \_\_\_\_\_ ובמלים \_\_\_\_\_

וקבלתי ממנו המחיר בשלמות, שתי פרוטות בשבילי והמותר בשביל כל המשכירים שוה בשוה לרבות המשכירים שאין השכירות שוה לערך הכסף המגיעו, ובזה הוא קונה את כל השכירות הנ"ל.<sup>162</sup> כמו"כ אני מוסר לו את השטר הזה שיקנה בו את השכירות הנ"ל, ואם לא הועילו הקנינים הנ"ל לשכירת המטלטלין (רכב וספינה וכדומה), הריני מקנה אותה אגב הקרקע ויקנה אותה השוכר אגב הקרקע באופן המועיל כדן.

## מכירת החמץ בששה אופנים שונים

9. ואגב שכירות הקרקעות הנ"ל, ו/או אגב שכירות הקרקע שלי באר"י, אני **מוכר** להנ"ל כל מיני

חמץ המבואר בהרשאות הנ"ל, וגם החמץ שלי או של אחרים שבידי, וכל חמץ שאני רשאי למוכרו בכל מקום שימצא. וליתר שאת הנה אני מפרט חלק מהחמץ, הן מיני מאכל, מיני משקה, שכר, יי"ש וכל משקאות חריפים שיש בהם חמץ, סוכריות וממתקים שיש בהם חמץ וחשש חמץ, כל מיני קמח מחמשת מיני דגן שעלולים להיות חמץ, עוגות ועוגיות וכל מיני מאפה, כל חשש חמץ ותערובת חמץ, וחמץ נוקשה, שיש לי או למרשים שלי בכל מקום שיהיה. אולם אין אני מוכר את הכלים כלל ובפרט אותם הצריכים טבילה אם כבר הוטבלו ומותרים בשימוש. כמו"כ אני מוכר מניות שיש לי ולמרשים שלי אם יש בהחזקתם איסור בל יראה ובל ימצא. כל אלו אני מוכר לקונה הנ"ל מכירה גמורה וחלוטה שלא לחזור בו מהמכירה כלל וכלל. כל אחריות החמץ על הקונה. מחיר החמץ הנ"ל הוא כפי מחיר סיטונאי של היום בבוקר בניכוי 10% ובאופן שיגיע פרוטה לכה"פ לכל מוכר ומוכר.<sup>163</sup> כל דבר שאין מחירו ברור יושם ע"פ ג'

אנשים בקיאים בשומה אשר יבחרו ע"י הרב.<sup>164</sup> במכירה זו נכלל גם דברים אשר לפי דעת הבקיאים בשומה אין להם ערך ומחיר כלל. והכל יחשב במדה במשקל ובמנין כל דבר לפי דרכו.

10. גם יקנה הקונה הנ"ל את החמץ הנ"ל ע"י **קנין כסף** שקיבלתי מן הקונה סך

במלים \_\_\_\_\_ מדמי המקח

עבורי ועבור כל המרשים ולא פחות מפרוטה לכל אחד ואחד ואף לאלו שאין חמצם שוה כלום,

<sup>162</sup> כדי שיגיע לכל אחד מהמשכירים לפחות פרוטה אחת ולא יחלק המעות לפי ערך המושכר. וכמו"כ הותנה שאף למי שאין לו קרקע שו"פ, עכ"פ משכיר בשוה פרוטה.

<sup>163</sup> צריך לתת הנחה לקונה כדי שיהיה כדאי בשבילו קניה זו דאל"כ הוא חוכא לקנות סחורה ביותר משווי.

<sup>164</sup> כל מקח בלי קציצת מחיר אינה מכירה (חוי"מ ר: א ורמ"א ר"ו ס"א). כשקובעים מחיר ע"פ שמאים הר"ז חשיב כקציצה עיין ר"ו ס"ב.

והשאר זקפתי עליו במלוה שהקונה הנ"ל מחויב לשלם לכל אחד ואחד מהמוכרים הנ"ל כל דמי המכירה הנ"ל שמגיע מהקונה כשיוממדד ויושקל וימנה כל דבר כדרכו. זמן המדידה והמשקל והמנין יתחיל מיום כ"ד ניסן ואילך.<sup>165</sup>

11. וליתר שאת כדי לקיים המכירה בכל קנין אפשרי מלבד משיכה, הצדדים הסכימו שיעשו עוד קנינים שאם לא יועיל אחד, יועיל השני, ויומכר החמץ לנכרי ע"י **קנין חצר**, לאחר שמקום השכירות שלו, יקנה הסחורה הנמצא שם מדין חצר. ואם לא הועיל קנין אגב, כסף וחצר, עכ"פ יועיל ע"י **קנין סודר** שימסור הקונה למקנה ובחילופיו יקנה הקונה את הסחורה, וחת"י למטה מעיד שנעשה קגא"ס על מכירת הסחורה הנ"ל. וליתר שאת, הסחורה מכורה בזה ע"י **קנין סיטומתא** (תקיעת כף וכן ע"י חתימת חוזה זה<sup>166</sup>) וכן **בקנין אודיתא** שאני מודה בהודאה גמורה ובלב שלם בשמי ובשם מרשיי שהשכרתי את המקומות הנ"ל ושמכרתי החמץ הנ"ל לקונה הנ"ל כדין.<sup>167</sup> והותנה שבכל אחת מדרכי ההקנאות הנ"ל יקנה כל הנ"ל ואף כי בכולם ואם מתבטל אחד מהקנינים לא יגרום ביטול לשאר הקנינים וכל קנין יועיל בנפרד ובפני עצמו. נמצא שכל המצרכים שהוזכרו לעיל קנויים לקונה במכירה גמורה וחלוטה לצמיתות עולם, בלי שום שיוך זכות וללא תנאים, והרשות בידו למכור את החמץ לכל מי שירצה ולעשות בו כל מה שלבו חפץ, וכל אחריות החמץ המכור רק על הקונה בלבד כולל אחריות של אונס גמור.

## מכירת כלי סעודה

12. יש בין המוכרים שרכשו כלי סעודה החייבים בטבילה לפני השימוש, וקשה להם לטובלם במקוה (כגון בזמן **מגפת הקורונה שלפעמים נמנעים מלצאת מהבית בתקופת הפסח ולפניו**), ורוצים למוכרם לנכרי ולבקש ממנו רשות השאלה אח"כ (כמבואר ביו"ד ס"ס ק"כ ובאו"ח שכי"ג ס"ז),

<sup>165</sup> נחלקו הראשונים באיזה קנין אפשר להקנות מטלטלין לנכרי. ברמב"ם (פ"א מזכיה ה"ד) מבואר דגוי קונה במשיכה ולא בכסף. וי"א דמהני קנין כסף, ולכן בשו"ע תמ"ח מפורש שימכור החמץ גם במשיכה וגם בכסף (עיין מ"ב ס"ק י"ט). ומאחר דקשה לעשות משיכה בכל החמץ בשעת הדחק הפוסקים אמרו לעשות עוד כמה קנינים מאחר שאין אחד משאר הקנינים מרווח שיועיל מה"ת לכו"ע. ולכן עושים כל שאר הקנינים השייכים שבצירוף כולם אפשר לסמוך שחלה המכירה. בקנין חצר יש פקפוק דאם חצר מטעם שליחות אין שליחות לנכרי. קנין אגב, דעת תוס' (ב"ק ק"ד ד"ה אגב) דלא מהני מה"ת כי אם מדרבנן. ויש נידון אם קנין מדרבנן מהני לדין תורה. קנין סודר, דעת ר"ת (קידושין ג. ד"ה האשה) דמהני בנכרי (חליפין) אך הש"ך (קכ"ג סק"ל) ס"ל דלא מהני בנכרי. קנין סיטומתא רק קנין מדרבנן.

<sup>166</sup> בשו"ת מהרש"ל סימן ל"ו עיקר השטר הוא מטעם קנין סיטומתא, וכן בעה"ש תמ"ח ס"ק כ"א בסו"ד ע"ש.

<sup>167</sup> כדי להיות שליח עבור קנין אודיתא ראוי לכתוב בהרשאה שיהא פיו כפי והודאתו כהודאתי כלומר שפי השליח יהא כפי המשלח. ובכך הודאת השליח מחייב את המשלח (עיין קצוה"ח סימן קכ"ד). אולם גם אם תיקון זה, יש לפקפק דאולי לא מהני אודיתא ע"י שליח. ומה שכתב בקצוה"ח לעשות כן ע"י אודיתא י"ל דבזמנו כל אחד מכר חמצו לנכרי בעצמו שלא ע"י הרב.

ולכן הוסיפו חלק מהמוכרים את כלי סעודה שברצונם למכור, וגם מקום הכלי סעודה. הכלים המסומנים ימכרו יחד עם החמץ ובאותם קנינים ובאותם תנאים. גם המחיר של כלי הסעודה ישומו ע"פ שומא של ג' כמו שיעשה לגבי החמץ. ההרשאה כוללת החמץ וכלי הסעודה יחד, וחתימת המורשה למכור למטה כוללת חמץ וכלי סעודה במכירה.

13. המורשה למכור מבקש מהקונה שלאחר שיחול העברת הבעלות של כלי הסעודה, ינתן רשות למוכרים להשתמש בהשאלה עם אותם כלי סעודה שמכרו עד שיודיע הקונה למוכר שרצונו בהחזרת הכלים. חתימת הקונה למטה מהווה הסכמתו לקנותם, והסכמתו להשאלה כפי התנאים הנזכרים.<sup>168</sup>

<sup>168</sup> מבואר ביו"ד ס"ס ק"כ ובאו"ח שכ"ג ס"ז שכשא"א לטבול הכלים רשאי לעשות הערמה למכור לנכרי או ליתנו במתנה ולבקש השאלה ממנו. מקור דברים ממרדכי פ"ה דע"ז (תתנ"ט) ובפ"ב דביצה (תרע"ז) הביאו הבי"ב בסימן ק"כ והוסיף וז"ל תיקון זה אפשר לעשות אפילו בחול במקום שאין מצוי מקוה מים להטביל בו, והביאו בשו"ע שם. ויש שפקפקו שאסור לתת מתנה משום לא תחנם וכבר כתב בפת"ש סק"ו דליכא לא תחנם כיון שעושה לצורך ישראל, אבל ודאי כשעושים במכירה ליכא לא תחנם, ומאחר דכבר מוכרים לגוי, עדיף לעשות במכירה אף שסברת הפת"ש נראה נכונה.

ובדרכי תשובה העלה מדוע שרי לעשות כאן הערמה, ותירץ דבאיסור דרבנן שרי להערים. עיין בכורות לא: דרק באיסור דרבנן רשאי לעשות בערמה דמינכרא, ולא באיסור תורה. ונראה מדברי הביה"ל שכ"ג דהיכא דיכול להטביל בקלות הוי איסור תורה להשתמש בלי טבילה, דזה גופה מצות התורה לטבול לפני שמשתמש, אולם כשקשה לו לטבול, ורוצה לטבול ונמנע מכך, אין בזה אלא איסור דרבנן, ולכן בנד"ד דרוצה לטבול ואינו יכול, רשאי לעשות הערמה דמינכרא.

אלא דאין דין זה מוסכם. דהרי ה"ט"ז ב' המקומות העלה דמהני רק לשבת או לכמה ימים אבל לא לטווח ארוך. והביאו המ"ב שכ"ג ס"ק ל"ה, דאם יהיה נשקע ברשותו לכשבוץ חייב להטבילו בברכה דמאחר דנשקע ברשותו הוי כשלו כמו במשכן גוי כלי ביד ישראל, דחייב להטבילו אף ששייך לנכרי. אלא דמסיים דיטביל עם כלי אחר ולברך על השני, אבל מ"מ ס"ל דאינו פטור לגמרי מטבילה. אולם מסתימת כל הפוסקים לא משמע הכי. לכן בשעת הדחק יש להקל במכירה לנכרי אף שישאל ממנו לטווח ארוך, אולם ראוי יותר למצוא פתרון אחר ולחוש לדעת ה"ט"ז והמ"ב.

איברא, דדברי ה"ט"ז צ"ב, דלכאורה יש מקום לחלק בין משכון שיהיה שקוע ברשות הנפקד והמלוה וכשלו דמי משא"כ בנד"ד שמבקש ממנו להדיא רשות להשאלה, ואין לו קנין.

והנה רע"א בריש סימן ק"כ סמך על תיקון זה בכלים גדולים שא"א להכניס למקוה והיינו לטווח ארוך, וכן שמענו שהורה כך הרב אלישיב זצ"ל בכלים חשמליים שיהרסו אם יטבילם במים, אף ששם הוא תיקון לעולם ולא יבא אף פעם לטובלם ומ"מ שרי, ולכן נרה דיש לסמוך ע"ז בנד"ד כשא"א בענין אחר.

ודע, דאין צורך בטבילת כלים אלא בזכוית מדרבנן ושש כלי מתכות בלבד ולא כל מתכות, וכמו שהארכתי במדריך לפסח. היום stainless steel עשוי ברובו מברזל, ולכן נראה דצריך לטובלים

## ערבות

14. ליתר שאת, יתרת החוב ישולם ע"י **הערב קבלן מר רייל לנדאו מספר זהות דרום אפריקאי 7202095057084** שהתחייב לשלם יתרת החוב במילואו אם לא ישולם היתרה ע"י הקונה, ואף רשאי המוכר לפנות אליו ישירות לגביית היתרה באופן שאין כל מקום לבטל המכר עקב אי תשלום היתרה. הוסכם בין הקונה והערב במדה וישלם החוב עבורו, יתחייב הקונה לשלם לערב. נכתב ונחתם שטר על כך ונתקבל הדבר בקגא"ס טרם המכירה והחוב.<sup>169</sup>

## נאמנות על הפסד וחסרון

15. ונתרצה הקונה הנ"ל וקיבל עליו בפירוש שאם יהיה הפסד בחמץ וכל הדברים הנ"ל שיהיה בזה כל דין נאמנות למוכרים הנ"ל, אשר בכל דבר שיאמר אחד מהמוכרים הנ"ל שנחסר לו מעתה עד עת המדידה אזי ישלם הקונה גם בעד כל דבר שיחסר, וגם לא יוכל הקונה לטעון בשעת המדידה כי אולי לא היה איזה דברים מהנ"ל בכלל המכירה, כי על כל זה יש נאמנות למוכרים, ורק יוכל הקונה לדרוש שיגידו המוכרים או משרתיהם ובני ביתם בהן צדק בפני ב"ד שדבריהם אמת.<sup>170</sup>

## מכירה חלוטה שלא תתבטל ע"י אי תשלום היתרה

16. כמו"כ הותנה בפירוש שלא יהיה תשלום החוב המגיע מהקונה שום תנאי במכירה הנ"ל כלל, שאף אם לא נגבה מהקונה הנ"ל את דמי המכירה שזקפנו עליו במלוה לעולם, תהיה המכירה

מה"ת ובברכה, וכשקנה מהם, חייב למוכרם לנכרי כשא"א לטובלם. אבל מה שנהגו העולם לטבול חרסינה ועץ נראה דהוא טעות (ויתכן שהוא טעות שבאה ממה שפעם היו מצפים הכלי חרס בזכוכית, אולם היום לא עושים כך). ושאר מתכות (כגון אלום aluminum) נראה דלכתחילה יש להטבילם בלי ברכה, וכשא"א אפשר להשתמש בלי טבילה כלל.

והנה, בד"א כשכבר קנה הכלי, אבל כשבא לקנות הכלי לצורך פסח ויודע שלא יוכל לטובלם, או שמגיע הכלי במשלוח ועוד לא זכה במשיכה, נראה דעדיף שלא יעשה בהם קנין המועיל במשיכה, ויכוין בשעה שמגביה שמתכוין שלא לקנות, ובזה יצא מידי רשות הנכרי שכבר קיבל התשלומים או שנתרצה למוסרו לקונה, ועדיין לא בא לרשות היהודי עד שיקנה במשיכה. ויותר ראוי לפטור את עצמו מטבילה בזה שלא קנה בכלל, מלמסור לנכרי במכירה או במתנה לאחר שכבר נתחייב הכלי בטבילה.

<sup>169</sup> תיקון זה של ערבות הוא עצת הגר"ז והוא למנוע טענה של המוכר לבטל המקח אם לא יקבל את מלוא התשלום וממילא יעבור למפרע על ב"י וב"י. ומו"ר הרב זלמן נחמיה גולדברג זצ"ל יעצני להוסיף כן במכירה אף שהרבה לא נוהגים כן, יש לעשות כן למשעה.

<sup>170</sup> סעיף זה נצרך הלכתי לא רק לשמור על זכויות המוכר. דאם יש חשש שיפסיד המוכר, א"כ הוא רוצה בקיומו של החמץ כדי שיהיה לו ראייה על תביעת הדמים מן הקונה. וכל שרוצה בקיומו יש בו איסור חמץ. ולכן יש צורך לתת לו נאמנות על מה שהיה לו וההפסד. אולם א"כ אינו כדאי לקונה לקנות דהרי חושש שהמוכר יבדה כמות גדולה של סחורה ויתבע המון כסף. וא"א לחייב למוכר שבועה, דא"כ רוצה בקיומו לפוטרו משבועה. ולכן העצה שיצהיר בב"ד בהן צדק על ההפסד.

הנ"ל מקויימת וגמורה בלי שום תנאי ושיוור כלל. אני מצהיר בשמי ובשם המרשים שאי תשלום יתרת החוב על ידי הקונה, אינו מהווה תנאי במכירה זו ולא יכול לשמש עילה לביטול המכירה. כמו כן הוסכם שהמדידה, המשקל וספירת המלאי לא יעכבו כלל בחלות הקנין.

### **זכות המוכר להשתמש בפסח ולאחר הפסח**

17. עוד הותנה, שהרשות נתונה למוכר להשתמש בחמץ, הן בתרופות וכדומה בתוך הפסח, והן חמץ לאחר הפסח, וכל מקום ומקום לפי זמנו, למשל הפסח יוצא יום לפני שיוצא ביוהנסברג, ומי שמכר חמצו בארץ ישראל רשאי להשתמש בו לאחר ימי הפסח אצלו אף שהחמץ שייך לקונה, וישלם המוכר לקונה עם ריוח של 5% או לפי שומת בקיאים.

### **רשות למוכר למכור לאחר לפני זמן האיסור**

18. עוד הותנה בין הצדדים, שאם מזמן המכירה עד זמן איסור הנאה, המוכר ימכור את החמץ למישהו אחר קודם שאני אקח ואשתמש מהסחורה, המכירה השנייה תהיה תקפה, ולא המכירה הזאת. כמו כן רשאי המוכר לאבול ולהשתמש בסחורה לעצמו עד זמן האיסור, ומה שאכל מתברר שלא היה כלול במכירה, רק מה שהיה קיים בזמן איסור חמץ.

### **אף אם חלק מהמכירה לא תקפה- שאר חלקי המכירה יחולו**

19. אם יש איזה מהקנינים או איזה מהדברים<sup>171</sup> או איזה מהאנשים שלא יועיל בהם המכירה והקנין או שנתבטל ממנו דברים שלא קנה מאיזו סבה שהיא או שאין קנין הכסף מועיל בהם, הרי הכסף של השכירות והקנין ניתן עבור שאר הדברים שהקנין הכסף מועיל בהם.

### **הודאת המשכיר והמוכר ותנאים**

20. ומודה אני הח"מ שמכרתי החמץ הנ"ל וכלי סעודה הנ"ל והשכרתי את המקומות הנ"ל בקנין מועיל ל\_\_\_\_\_ הנ"ל. וכל מה שכתבנו למעלה בענין החמץ שייכים גם לענין כלי הסעודה, וכל התנאים והסעיפים השייכים לחמץ תקפים גם לענין כלי הסעודה כגון לענין הערבות, הנאמנות, המחיר וכו'.

21. הותנה בינינו שאם הקונה לא יוציא את הדברים שלו מהמקומות המושכרים לו הנ"ל לאחר כ"ו ניסן, יצטרך לשלם דמי שכירות כפי שומת ג' בקיאים כנ"ל, ועוד הותנה שיש לקונה רשות לעשות הכל מה שנחוץ כדי שיהא לכל הנ"ל תוקף ע"פ חוקי הממשלה והמוכרים מתחייבים להמציא את כל המסמכים הדרושים לכך.<sup>172</sup> אך הקונה מצהיר בזאת שאף אם מאיזה סבה כל שהיא לא תכיר המדינה בסמכות מכירה או שכירות זו – תחול המשכירות והמכירה לפי חוקי התורה בלבד.

<sup>171</sup> כדי שלא יהיה חסרון של "קני את וחמור" שאם מכר ביחד דבר המועיל בו קנין ודבר שלא מועיל, יש שיטות דיתבטל הקנין גם מהדבר שמועיל בו הקנין. וכשאמר בפירוש מהני.

<sup>172</sup> כדי שיהיה גמירות דעת לנכרי בעינין שיוכל לתבוע בערכאות, דמן הסתם אין הנכרי רוצה להתדיין בדיני ישראל. (עיין ח"ס או"ח קיג ושי"ח מערכת חמץ ט: כה).

22. תוקף חוזה שכירות ומכירה זו יהא תקף כתוקף כל חוזים כפי חוקי המדינה ושטרות העשויים כדין תורה, וכל דבר מסופק בין מצד לשון השטר ובין מצד אחר יהיה נידון לטובת הקונה.
23. כן מצהירים הצדדים כי טענת חוזה למראית עין או טענת חוזה לצרכים דתיים לגבי שטר זה תהיה בלתי קבילה.<sup>173</sup> ושטר זה לא יגרע כוחו בשום ריעותא בעולם, ולא יפסל על ידי מחיקות ותליות ונעשה באופן היותר מועיל ע"פ תקנת חז"ל דלא כאסמכתא ודלא כטופסי דשטרא ובמנא דכשר למקניא ביה בביטול כל מודעות וכו' ובאתי עה"ח<sup>174</sup> יום י"ג<sup>175</sup> ניסן תשפ"א בעיר **יוהנסברג במדינת דרום אפריקה** והחוזה הוא 6 דפים חתום על כל דף על ידי המוכר והקונה והכל שריר וקים.

חתימת המורשה למכור

גם אני הקונה מאשר כל השכירות והמכירה וההסכם הנ"ל בתאריך הנ"ל

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<sup>173</sup> התועלת בתוספת זו מבוארת וכדי למנוע מהנכרי לטעון כן. ועוד הוא נחוץ ביותר לאלו מוכרים שאינם שומרי תורה ולא איכפת להו הלאו של בל יראה, ועושים המכירה רק לקבל תעודת הכשר שיוכלו למכור לאחר הפסח, דבזה יש לפקפק על עצם המכירה שהרי לגוי מוכר יותר בזול, לכן בא נוסח זה שמצהיר המוכר שלא יוכל לטעון שמכר לצרכים דתיים בלבד.

<sup>174</sup> אין לכתוב כנוסח הרגיל ולראיה באתי עה"ח, דא"כ מפורש שהשטר הוא שטר ראייה ולא שטר קנין (שד"ח פאת השדה ז: יא).

<sup>175</sup> כשמוכרים ב"ד, יש להוסיף השעה כדי שלא יחול המכירה בסוף היום.

202.

### Understanding the Sale of Chometz to non-Jew

By Rav Baruch Rubanowitz 5781

- A. It is important to explain to the non-Jewish buyer that he is purchasing all of the chometz listed in the pages of the appendix to the sale. It lists names, addresses, contact info and location of chometz in the home. He then becomes the owner in every way. It is not just a religious act, but he is the rightful owner and may dispose of the chometz as he sees fit.
- B. The buyer should understand that many forms of acquisition are going to be performed to satisfy various opinions. Each type stands by itself and does not need the other types to be effective.
- C. The document should be read to the buyer before the sale and he should verbalize that he agrees to the terms of the sale.
- D. The non-Jew should pay cash for the rental of the space. Then pay more cash for the purchase of the chometz. It should be estimated how many sellers there are and at least a *perutah* should be given for each seller. The value of a *perutah* is the value of silver that weighs the mass of a half grain of barley. That is equivalent to 0.022 grams of silver. (As a precaution, it is advisable to consider a *perutah* to be worth 0.025 grams of silver.)
  - a. One troy ounce is equal to 31.1034768 grams. Therefore, a *perutah* is worth 0.00080377 of a troy ounce. If a Troy ounce is worth \$26.44 (March 18<sup>th</sup>, 2021), which is slightly more than a two cents (\$0.021 That is the equivalent of 33 cents in ZAR or 0.08 Shekel in NIS (10 agorot).
- E. The buyer should be informed that the sale is final after the down payment and the balance is a debt. The sale is not contingent upon the completion of the debt.
- F. A garment 7.5 cm x 7.5 cm is used as a *kinyan suddar*. The non-Jew offers the *suddar* to the rav and exchange the chometz is transferred to the buyer.

- G. A handshake is performed to effect the sale as *kinyan situmta*.
- H. The rav states to the buyer that “I acknowledge and admit with complete sincerity, in my name and in the name of all those who appointed me an agent to sell their chometz, that all forms of chometz and chometz mixtures, that are found in our domain and the location that they lie in, all belong to you the buyer”. This is *kinyan odisa*.
- I. The document itself of the contract should be given as gift to the buyer. Then the rav and buyer shall sign the document in front of witnesses. The contract is then delivered to the buyer in the presence of witnesses and the intention is to use this as another device to transfer the ownership to the buyer. Each page of the contract should be signed. The document can remain with the buyer or it can be placed in the custody of the rav.
- J. Upon the designated time after the *chag* (shortly after *tzeis hakochavim*) the buyer should come to the rav and present himself. The rav shall claim the balance of the debt. If he is unwilling or unable to pay the balance, the rav may offer cash for the chometz and a *kinyan suddar*. The Rav offers the *suddar* to the non-Jew and can buy the chometz for the agreed upon price. Should the rav buy all the chometz for himself, he may also buy the chometz that once belonged to people in *chutz laaretz*, even though it may still be Pesach for them. The non-Jew should come himself and not his agent.



203.

### **Mehadrin Sale of Chometz**

#### **Supervised Mehadrin Sale**

#### **Halachic and Historical Background**

- 203.1. The Torah requires that Jews destroy all the chometz they own before Pesach (*tashbisu*). Besides that positive commandment, there are two negative commandments which compel a Jew to disown, destroy, or sell chometz before Pesach. One is not even allowed to be financially responsible for someone else's chometz.
204. Chazal recommended that *bitul* (annulment) be performed so as to neutralize the Torah requirements. After *bitul*, the chometz is ownerless and the original owner is not held accountable for having in his possession the chometz that he once owned. Still, Chazal were concerned that a Jew might inadvertently consume the chometz that was once his. Consuming chometz is a separate Torah violation even if the one ingesting it does not own the chometz. Therefore, Chazal legislated two mitzvos: *bedikoh* and *biur*. One should search for any chometz the night before Pesach, and then destroy it even though he has already performed *bitul*. This would hopefully minimize the possibility of ingesting chometz on Pesach since it won't be easily available.
205. Another way mentioned in the Mishnoh to avoid all of these concerns is to sell the chometz to a non-Jew before Pesach. This idea is found in the Mishnoh at the beginning of the second chapter of Pesochim and on 13a of *meseches Pesochim* that describes selling the chometz in the marketplace.
206. Selling chometz to non-Jews over the millennia have taken more forms. They can be divided into four types and seem to have developed over time due to historical factors. The first two types lasted for most of

Jewish history, which spans thousands of years. The last two types are relatively new in Jewish history. Today, when people discuss *mechiras chometz* (the selling of chometz) they usually refer to what they are familiar with, type four. However, it is helpful to understand the history and development, the pressures and societal needs that led to the last two stages before just adopting its practice as if it is entirely acceptable and normative. In fact, it is quite recent that Jews started doing this and there are numerous halachic concerns associated with these last two types. While the last two types serve important functions and are halachically valid, some people may be in a position to opt for the original modes of acquisition. The advantage is that they can go back to the traditional and unequivocally sanctioned modes of behavior without resorting to innovations that developed in Jewish history due to extreme situations and needs.

207. **Type one:** A final and complete sale as mentioned in the Mishnah and Gemara is the first type. In this form, the seller receives the monetary value of the merchandise and will never see his chometz again. This is what is meant by the comment of the Gemara that one should sell the chometz in the market.
208. **Type two:** Referred to in the Tosefta (Pesachim 4:6) and accepted by the Rambam (4:6) and Shulchan Aruch (448:3) in which a Jew finds a friendly non-Jew who is prepared to buy the chometz for the period of Pesach and resell it back after Pesach. The Shulchan Aruch accepts this *ha'aromoh* (legal loophole) provided that the non-Jew performs a *kinyan meshichah* (a specific mode of acquisition which displays ownership) and removes the chometz from the Jew's domain and brings into his own domain.
209. **Type three:** Suggested by *acharonim* due to dire financial straits when entire communities were threatened with economic depression and

poverty, in which no *meshichah* is performed and alternative methods were used. This served a great need in Europe, where the livelihood of many Jews depended on barrels of alcohol for taverns. This period lasted for about 250 years from 1640 until 1890. In this group, each Jew was advised how to sell his own chometz to the non-Jew. Lifting the item or rolling the barrel together with paying for it is all that is necessary to effect a halachic sale. However, since moving all the items was difficult, suggestion rolled in how to transfer ownership without *meshichah*.

210. **Type four:** The prevalent *mechiras chometz* today developed due to the many halachic problems that arose from allowing uneducated Jews handling the halachic matters on their own (type 3). The idea was suggested to centralize the sale under the supervision and control of the rabbonim. This had two variations. The first variation was that the general population sold their chometz to the local rav who then resold it to the non-Jew. This was discontinued as halachically problematic and impractical. Eventually the contemporary approach developed in which the rav was appointed by each member of his community to act as the agent of the congregant to sell the chometz of all the congregants of each community to the non-Jew. At first, there was significant opposition to this as well. However, this approach has been in use for over 100 years now. This method has its unique halachic challenges and much Torah has been written to justify its perpetuation. While many innovative solutions have developed over time to enhance its halachic viability, it still is not an optimal solution. Furthermore, the concern for economic collapse for the individual homeowner is not on the same level of severity as it was centuries ago for the producers and tavern owners centuries ago. Hence, it is advised to avoid relying entirely on this sale and only use when there is no other reasonable option. Many observant Jews will try to rid their homes of chometz and perform the type 4 sale as a precautionary measure.

211. *Mechiras chometz lemehadrin* is a classic sale in which the item is clearly identified, the price is known in advance and the seller transfers the object into the possession of the buyer and a down payment is made on the merchandise. These are the main elements of a bona fide sale as detailed in the Shulchan Aruch (548:3). Specifically regarding chometz, the Shulchan Aruch states that it is insufficient to pay for the chometz. The chometz should be taken out of the Jew's home and a gentile must make a halachic *kinyan hagboboh/meshichoh*—lifting the item or dragging it about two and a half meters (if it is heavy)—in order to assume ownership of the chometz. In the *mehadrin chometz* sale, the process follows the rules as found in the Shulchan Aruch without resorting to the post Shulchan Aruch innovations.<sup>176</sup> The *chometz* is moved into the domain of the gentile (*kinyan meshichoh*) and *kinyan kesef* is also performed in which the buyer (*hanochri*) pays a down payment on the merchandise. Between both of these *kinyonim* (methods of halachic acquisition), the gentile has surely acquired the chometz.<sup>177</sup>

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<sup>176</sup> The Post Shulchan Aruch commentaries suggested various other *kinyonim* as a substitute for *meshichoh* and *hagboboh*. Besides *kesef*, it was suggested to also perform *kinyan, agav, kinyan chotzer, kinyan suddar, kinyan odiso and kinyan situmto*. Each of these has a weakness in halachah and may not effectively make the transfer to a non-Jew in such a fashion that according to Torah law the chometz does not belong to the Jew anymore.

<sup>177</sup> דנו האחרונים איך זוכה הרב במקדמה למשלחים. הרב יצחק אלחנן ספקטור זצ"ל חידש דהמשלחים כאילו אומרים לנכרי שישלם מקדמה לרב להיות שלו, וזה יהיה תשלום כסף עבור הסחורה. וע"ד כן יתקיים המכירה עם הנכרי, שכל הממנה את הרב שליח למכור חמצו יכלול בזה שהכל נעשה לפי הבנת הרב, כולל ענין זה שפרעון הנכרי לרב במקדמה עבור סחורתם יהיה שייך לרב.

והנה דעת הנתיבות דאם לא ישלם הקונה את יתרת החוב בכלל, המוכר לא ירצה במכר ונמצא בטל למפרע, וממילא קעבר על בל יראה וב"י. מטעם זה כתב בשו"ע הרב שישלם הנכרי כל דמי החמץ או לסדר את המכירה באופן שאין לרב שום טענה ותביעה על הנכרי אם לא ישלם באופן שיתקיים המקח בכל ענין. אמנם לפי הנסיון שלי במכירת חמץ לנכרים במקומינו אין הם תופסים את דקויות התנאים של שלוף דוך ועוד מקשה הדבר על הקנייה בחזרה מהנכרי מאחר דבאמת אין הוא חייב

212. *Mechiras chometz lemebadrin* is appropriate for those people who wish to use the age-old method described in the Shulchan Aruch. This method is unquestionably valid (according to normative halochah that accepts the Shulchan Aruch) and follows the letter and spirit of the law by removing the *chometz* from one's domain. After Pesach, the seller gets either the money he is owed or its equivalent in merchandise. It is likely that the

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כלום כעת. ולכן במכירה הזאת, הרב מקבל עצת שו"ע הרב במקצת, ומעמיד ערב קבלן עבור הנכרי עוד לפני המכירה. ולכן הנכרי יקנה החמץ ויעמיד הנכרי יהודי שיהיה ערב קבלן (ראובן) שהוא מקבל קנין בסודרו של הרב להתחייב לשלם את יתרת חוב הקנייה במדה והנכרי לא ישלם. ובזה יש יותר בטחון למוכרים שהמכר לא יתבטל.

והערב עצמו לא ימכור את חמצו דרך הרב לנכרי, שעל חמצו ליכא ערב א"כ יעמיד הרב ערב אחר עבור חמצו של הערב. והנה הקשו האחרונים דהערב הרי רוצה בקיומו של החמץ כדי שלא יתחייב לשלם מכיסו, ויש ליישב דאיסור רוצה בקיומו היינו דוקא אם החמץ יגרום לו ריוח ממון אבל אם החמץ מונעו רק מן ההפסד אינו נחשב רוצה בקיומו (עיין שו"מ תניינא ד: ובמקראי קודש פסח ח"א סימן ע').

ובמכירה זו ג"כ לא שייך הערת האחרונים דלא מהני ע"ק היכא שהסכום אינו קצוב (עיין סמ"ע קל"א ס"ק כ"ה) דהרי אין הסחורה חסר מדידה ושומא דהרי כל פריט יש עליו מחיר קצוב.

עוד אפשר להתנות להדיא דתשלום יתרת החוב יהא זקוף במלוה, ואף אם לא יגבה דמי התשלום מהקונה לעולם, תהיה המכירה מקויימת וגמורה בלי שום תנאי. אמנם החילוק בין זקיפה במלוה לתשלום חוב הקנייה ענין דק הוא ולפעמים קשה להסבירו לנכרי אם אינו מלומד במשפטים. והרב יבחר הדרך הכי טובה לפי נסיבות הענין.

עוד תקנה נעשית במכירה מהדרין ע"י הרב, שהנכרי שוכר מקום להניח שם חמצו ואין כאן חשש של אחריות דאנס. הנה, אם יקרה אונס לסחורה ולא ירצה לשלם, אף שבסימן ת"מ ס"א מבואר דהעיקר דאחריות אנס הוא אחריות וחייב לבער, וא"כ במכירת חמץ ולא ישלם כשיקרה אונס, הוי אחריותו על המוכר, ועדיין עובר בב"י וב"י, וכן העלה במקור חיים סימן ת"מ סק"ג ע"ש, לכן מיעץ המקור חיים למכור מקום החמץ לנכרי ואז החמץ ברשותו ולא איכפת לנו שיש אחריות דאנס על המוכר. עוד מבואר שם דאם מקום החמץ מושכר ליהודי יכול להשכירו לנכרי, ואז מסתלק היהודי מכל וכל ממקום החמץ והחמץ כולו ברשות הנכרי ולא איכפת לן שאחריות דאנס עליו. ונראה דה"ה אם יהודי הוא בעל מקום החמץ ומשכיר מקומו לנכרי דרשאי אחרים למכור חמצם לנכרי אף שיכניס הנכרי החמץ למקום שהוא בבעלות מיהודי, רק יזהר שאותו המשכיר לא ימכור חמצו לנכרי להניחו שם דהוי כיחד לו מקום ושכירות לא קניא לזה, ויש עליו אחריות דאנס ע"ש במקור חיים. ויש לציין שמבואר בדבריו של המקור חיים דאף אם יראה לנכרי שכל המכירה היא הערמה, אין בכך שום פסול בעצם המכירה, רק כיון שהנכרי רואה בזה הערמה יש כאן אחריות דאנס כיון שלא ישלם אם יקרה אונס, וע"ז כתב עצה למכור או להשכיר את המושכר.

seller will receive the same items that he sold. They may be bought back by the Rav in lieu of discharge of the debt or further compensation.<sup>178</sup> This Mehadrin sale is similar to the one described in the Shulchan Aruch, only that the rav acts as agent and supervises the entire process. (This is a mix between type 4 and type 2).

212.1. (The Rav has designed a variation of this type of Mehadrin sale that can be performed **without** the assistance of the Rav. It is a do-it-yourself *mehadrin mechiroh* without rabbinic assistance and is well suited for South Africans who have non-Jews living in their own abode on your estate. However, it does have some drawbacks. The procedure is described below. It should be emphasized that since it is not done with rabbinic supervision, it is worthwhile to protect oneself in case of a mistake to also perform type 4 *mechiras chometz*.)

### Practical Procedure

213. Place all of your chometz in a box. Use more than one box if necessary. Each box should be of a weight and size that allows it to be lifted comfortably by a petite woman.

213.1. Only include items that are *chometz* or *sofek chometz*, *ta'aroves chometz* or *sofek ta'aroves chometz*. **Kitniyos and inedible items need not be sold.** Please see the Pesach guide by the Rav on this issue.

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<sup>178</sup> והנה לפי עצת הגר"ז אין חוב על הגוי כלל, אלא רצון הגוי שיסולק חוב הערב, מאחר שאם הערב ישלם, הנכרי יצטרך להחזיר לערב מה שהוציא. ולכן יש להעביר בעלות הסחורה מהנכרי לרב ע"י קנין כסף לגוי ולשלם לו קצת מעות, והיתרה יקוּזו תמורת מחילת החוב לערב, ובזה יִקנה הנכרי את הסחורה לרב מיד בתשלום המעות. אולם כאמור, מנסיון הרב המכירה בצורה כזאת לא מתקיימת בצורה מספיק ברורה לנכרי, והרב מעדיף להסביר לגוי שיש חוב עליו על היתרה (במדה ולא שילם על הכל-לפעמים יש נוצרים אדוקים שאינם מוכנים להתחייב בחוב ומשלמים הכל מראש), ואז כשהרב קונה בחזרה מהנכרי, הוא נותן כסף וגם מוחל החוב לנכרי, ובזה מסתלק הנכרי מהסחורה.

- 213.2. Estimate the cost of all items being sold. It is preferable to **underestimate** the prices. The price should be attractive to the buyer but high enough that a seller would be willing to part with his chometz. If Rav Rubanowitz finds the price unreasonable, he may change the price and sell it at a price he deems appropriate.
- 213.3. As you place each item into the box, write it down on the list below along with its price. Use a second sheet if necessary.
- 213.4. Make sure you have filled in your name and contact information and **make two copies of the form**.
- 213.5. Seal the box and tape the **original** form to the outside of the box. Make sure the form is taped securely so it will not fall off during transport. Mark any extra boxes with your name. Bags should be marked both externally and with a note inside.
- 213.6. Keep the **original** of the form with the box or give it to the person receiving your chometz, who should pass it on to the Rav. The first copy is for the Rav's records. The **second** copy is for your own reference.
- 213.7. Bring your boxes and bags to the location that belongs to the non-Jew and wait for the Rav to arrange the sale.
214. After Pesach you should either receive monetary compensation for the sale or get your chometz back. Should the chometz itself be available after Pesach, the Rav intends to attempt acquiring the chometz back and make it available to the original owners.<sup>179</sup> A separate notice about this will go out after Pesach.

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<sup>179</sup> יש כמה דרכים להשיג החמץ בחזרה. מאחר והנכרי חייב עוד כסף אפשר לקבל את החמץ כתשלום על החוב כמשי"כ במ"ב תמ"ח ס"ק י"ג או תמורת מחילת החוב. ומו"ר הגרז"נ גולדברג שליט"א יעצני שלא לקבל הסחורה כפרעון על החוב דאז דומה לביטול המקח אלא עדיף לקנות את החמץ בחזרה בכסף ומשיכה ולקזז בסכום התשלום. ואם אין הנכרי נמצא לאחר החג לשלם היתרה



215. In summary, the necessary requirements for this type of sale include:
- 215.1. Unambiguous appointment of the Rav to act as your agent to make the sale for you.
216. An itemized list of edible and saleable chometz, *safek* chometz, *taarovos* chometz (*kitniyos*, inedible items such as medicines and toiletries need not be sold) attached to a nicely packaged light box of the food detailing the price of each item placed in the box. The price should be below market value so that the non-Jew would find the purchase an attractive proposition. The price should be high enough that the Jewish seller would be satisfied to receive the cash in exchange for his merchandise.
217. An area that is rented by the non-Jew from a landlord that is not the owner of the chometz being sold.
218. A guarantor to accept liability for the remaining debt if the entire value was not paid up front.
219. A non-Jew that is bright and motivated to cooperate with the sale and will take the sale seriously with full understanding of each part of the process. The non-Jew should have the physical capacity to lift each box and carry it to the room he rented. He should have access (keys and codes) to his rented venue and realize that the area belongs to him as with any other rental. Once all of these elements are in place, the Rav can effectively facilitate the sale of your chometz for you.

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או למכור החמץ ולקבל כסף, אפשר לדבר אתו בטלפון ולקנות הסחורה באופן שיאמר הנכרי לך חזק וקני תמורת מחילת החוב, ובזה סגי וא"צ שיקבל כסף בידים, וגם אין זה נראה כביטול החוב כיון שאומר הנכרי לקנות ואינו מחזיר הסחורה בתשלום. והוסיף, דאף אם לא יקבע הרב עם הנכרי זמן פרעון לשלם היתרה, אין בזה חשש או תקלה, שבמכירה לכאורה הזמן הוא כשיתבע המוכר ורק בהלואה שמענו סתם הלואה ל' יום. ולכן אם מיד לאחר הפסח יתבע הרב את היתרה יצטרך הגוי לשלם מיד. והרב גולדברג שליט"א שמח מאוד לשמוע על מכירת חמץ למהדרין שנעשה בקהילתנו, ואמר שאין במכירה זו פקפוק ואין צריך לחשוש שזו הערמה או לחשוש לכל ערעור אחר במכירה מאחר שיש גם ע"ק.



220. After Pesach, the Rav will approach the non-Jew to claim the balance owed. The Rav should either receive the cash value for your merchandise or purchase the merchandise from the non-Jew. Rav Rubanowitz has been performing this procedure for decades and to date all of the chometz was successfully purchased and made available to the original owners. Nevertheless, Rav Rubanowitz will indemnify himself and not take any personal liability for your merchandise or its value. Further details are found in the appropriate documents associated with this type of sale.

### Unsupervised Mehadrin Sale of Chometz

#### (Appropriate for the RSA)

220. There is a modification to the Mehadrin Chometz Sale described above that can be performed by each person **without** any rabbinic supervision. This can be attractive to people that have domestic non-Jewish personnel living on their premises who they employ. *It is also helpful this year, 5781, for those that are in quarantine (self-imposed or mandated) and cannot or do not want to bring your chometz to the Rav to sell to the non-Jew.* The Mehadrin Sale is similar to the original, classic sale that the *gemoro* and Shulchan Aruch envisioned when recommending that a person sell their chometz before Pesach to a non-Jew. In the Mehadrin Sale the chometz is moved by the non-Jew into their own domain, and the gentile performs a *kinyan kesef* and *meshichoh* while still allowing the Jewish seller to have a reasonable chance of repurchasing his original chometz after Pesach. Typically, it is advisable to have a knowledgeable Rav act as your agent to handle the sale for you. However, for many this is difficult. In order to attempt to simplify the process, this do-it-yourself sale is halachically viable and can be done independently by responsible and intelligent *yirei shomayim*.

220.1. **Important:** If you choose to perform the unsupervised Mehadrin Sale I strongly recommend that you also perform the standard sale through a rav so that in case you missed something, there is a backup system to protect you from violating possession of chometz and your chometz cannot become forbidden after Pesach.

221. There are some unique elements to the Unsupervised Mehadrin Sale that make it more difficult in some ways. These changes are due to halachic concerns that must be addressed that were not relevant to the Mehadrin Sale performed by the Rav. Make sure to follow all instructions carefully.

This section will offer step-by-step guidelines only. To understand the challenges and solutions, see the notes.

222. It should be noted that with any sale of chometz and in particular this method, the burden of responsibility lies with each and every Jew and does not rest with the rabbi performing the transaction or offering guidance. As mentioned in the introduction to this pamphlet, ultimate culpability for your behavior and fulfillment of *mitzvos* cannot be transferred to another. It is your choice what you decide to do, who you trust, how seriously you apply yourself to study the issue and what determinations are you prepared to accept from third parties. Each *neshomah* will stand in judgment in front of Hashem and rationalizations and excuses will likely not be helpful. In fact, I suspect that to the degree that the person falsely believed in, or relied on, the information and opinion of an uneducated or unscrupulous counselor, he will be judged by Hashem for that failing as well.
223. These are the important factors you will need in order to effect a halachically acceptable sale with your non-Jewish domestic help in the RSA.
- 223.1. You will need to take the sale seriously with full awareness that after the sale takes place the food does not belong to you and that this is a very real transaction. Some people might see this as a formal, ritual Jewish practice void of real commercial significance. If that is how you are going to view this, I recommend that you avoid using this mode of sale.
- 223.2. An intelligent, responsible non-Jewish employee who will be able to understand all that you will explain about the sale and the implications. If either the buyer or seller, does not view this as completely authentic and binding, if this seems like a simulated transaction, symbolic to either party involved or you are not confident that they will understand the rules, then rule out this option. It is

acceptable to view this as a legal loophole. You and the non-Jew can create an understanding that after the holiday if the chometz is still available, you will be interested in purchasing it and the only reason you are going through this process is to avoid owning leaven of Passover. Awareness that this is a legal loophole is acceptable. Skepticism whether the sale is valid and/or binding is not acceptable and is basis to invalidate the efficacy of the sale.

223.3. An area on your territory that is rented or given completely over to your non-Jewish employee. It may be small living quarters or other room which is transferred to the domestic help for her personal usage for long-term use and which the employer should not be entering freely or unannounced. For example, a maid who has her own room and were the employer enter her domain without permission, it would seem strange and offensive to the maid, such an area is considered rented or lent to the non-Jew even if no formal contract was signed. If you are a homeowner, the area should not be a location inside your home that you have access to. If you are renting your residence, you may rent to the non-Jew a room or cabinet and give her complete access and you shouldn't have access to it.

223.4. Alternatively, if the maid lives elsewhere and she has a method of transportation to take your chometz to her home, that is also going to work. In short, what is necessary is that the chometz leave your domain and enter her domain that she owns, rents or has borrowed.

223.5. Alternatively, you can rent a storage room on your property to the non-Jew. This can be a small amount that does not reflect true market prices. For example, you can rent a storage room to the non-Jew for ten days for R100. That is R10 per day and a halachically acceptable rental price. After the rental period is over, the renter must vacate the storage room. It is advisable to prepare a simple contract

describing the room, address, duration of rental and price and have both parties sign the rental agreement. This helps to clarify to the parties the realness of the transaction. After the document is prepared, the money (R100) is transferred and the storage room then becomes the domain of the non-Jew. If your maid does not have the money to rent from you, you may give her the rental money (one hundred Rand) so that she can rent the room from you. A key should be given to the renter and complete access to the storage room.

223.6. A non-Jewish employee that is paid on a monthly basis.

224. Here is what you need to do to perform a Mehadrin Chometz Sale without Rabbinical supervision:

225. Prepare chometz food items or food that you suspect may contain chometz in them. Make sure that the food is presentable, and the buyer would agree to purchase and eat it. For example, open bags of cereal may not be accepted by the non-Jew. These should be discarded before Pesach or burned Erev Pesach. No need to include *kitniyos*, in fact you should avoid selling *kitniyos* items unless you suspect that it may have chometz ingredients added to it. Before putting each item in the box, mark it down on a sheet of paper and underestimate its value. The price should be low enough to be attractive to the buyer and high enough for you to agree to part with the item. Once you have filled a box, tally the total of the items and come up with a final figure for the box and mark that down on the paper as well. Make a copy of the sheet of items and prices and attach the copy to the box. Keep the original for your future reference. This now becomes your box of chometz and is ready for sale. Keep it in your home on the table.

226. Explain to the non-Jew about Pesach, the Biblical restriction for Jews to own chometz and the option of making a sale. You can refer to the numerous times the laws of Passover are found in the Bible and the

prohibition of having leaven in your home during Passover. Explain that you are requesting their assistance in the sale and they will likely make a profit on the sale if it is available for purchase after Pesach.

227. Explain to the non-Jew the concept of *kinyan* and acquisition in Jewish law and that it is not sufficient to just agree to a sale, but an act of *kinyan* must be performed. In some cultures, this is a foreign notion and it may take a while until you are convinced that the buyer is aware of the moment of acquisition. (South African law has its roots in Dutch Law and ultimately Roman Law which is drawn from Halochah and has remnants of the notion of *kinyan*. Some South Africans may be familiar with Modes of Acquisition principles and this can be helpful in your attempt to explain things. However, the western legal notion of a meeting of the minds is more prevalent now.)

227.1. Quiz the gentile to determine that he or she understands the process of transfer of ownership and that an act of acquisition (*kinyan*) is needed to effectuate the transfer. If the gentile doesn't understand these points, you will need to find a different gentile who does. Then explain that it is unclear in Jewish law whether the transfer of **money** alone effects the sale and transfer of ownership *or* if the transfer of money is insignificant to the transfer of ownership and **an act that indicates acquisition (*hagbahoh*)** is the appropriate *kinyan* (mode of acquisition). *Hagbahoh* (lifting the item) or *meshichah* (dragging a larger item for 2.5 meters along the floor) may be the appropriate *kinyan* for this box of chometz food or it may be the payment of cash. Since Jewish law is undecided on this matter, to be on the safe side, the buyer will need to do both in order that you are certain that she (or he) owns it. To that end, the buyer will need to pay for the chometz and carry it to their domain.

228. **Payment of Full Amount:** Unlike the Supervised Mehadrin Sale performed by the Rav on behalf of the members of the community, when a homeowner performs the sale himself with his made, the non-Jew will need to pay the **full amount** of all the chometz in the box(es) up front before he or she is allowed to take the chometz into his or her domain and make a *kenyan*.<sup>180</sup> If it is a small amount of chometz, the gentile may have

<sup>180</sup> הטעם שהצרכתי לשלם על הסחורה במילואו ולא ע"י פרוטה והיתרה ישאר כחוב, מפני כמה תועלות:

א. בזה אין חשש של אחריות דאנס המבואר בריש סימן ת"מ. אילו היה משלם רק מקצת כסף והשאר נשאר כחוב, ואילו קרה אונס לסחורה, והגוי מדמה בנפשו שהכל הרעמה ואין כאן מכר גמור, לא היה משלם היתרה של החוב. כתב במקור חיים סימן ת"מ ריש סק"ג אם הנכרי המפקיד חמץ בבית ישראל חייב מעות לישראל הנפקד, וכשיאבד לא ישלם לו חובו, מיקרי אחריותו עליו וחייב לבער. נמצא דזה כאחריות דאלם המבואר בשו"ע דהוי כאחריות וחייב עליה בב"י וב"י היכא דהמקום הושכר לנכרי מאת המוכר בעצמו, עיין מקור חיים סימן ת"מ סק"ג דלענין זה שכירות לא קניא, והחמץ נחשב כאילו הוא ברשות היהודי המשכיר. אולם כשמשלם הנכרי כל דמי החמץ, לא שייך בזה חשש דאחריות דאלם. וחוב ההלוואה מובטח למלוה ע"י ניכוי שכר עבודה אם לא יחזיר ההלוואה בזמן.

ב. עוד תועלת יש בתשלום מלא, שא"צ לערב קבלן. דהנה העלו הפוסקים (נתיבות וגר"ז) דבפרעון במקצת ולא ישלם היתרה נמצא דבטל המכר למפרע וקעבר המוכר בב"י וב"י. והגר"ז ייעץ לעשות ע"ק להבטיח היתרה, ובזה לא יתבטל המכר. ולכן כשבאים ליעץ לאנשים למכור חמצם לנגרי לבד, אין מן הראוי לחייב ע"ק דזה יסבך התהליך וגורם מרכיב חדש שעלולים לטעות בו. ולכן נראה לי יותר נכון ליעץ לשלם כל דמי החמץ, ובזה לא שייך לבטל המכר, והוי מכירה טובה ותקפה.

ג. עוד תועלת יש בתשלום מחיר מלא לענין רכישת החמץ בחזרה. שאילו קנה הנכרי רק בפרוטה והיתרה עומד כחוב, יתכן ויקנה הסחורה בחזרה ע"י מחילת החוב, ומו"ר הגר"ז"נ גולדברג שליט"א יעצני שלא לקבל הסחורה כפרעון על החוב דאז דומה לביטול המקח. אלא עדיף לקנות את החמץ בחזרה בכסף ומשיכה, ואח"כ ימחול החוב. ואם הנכרי לא נמצא לאחר הפסח למכור החמץ ולקבל כסף, אפשר לדבר אתו בטלפון או להתקשר וואטסאפ ולקנות הסחורה באופן שיאמר הנכרי לך חזק וקני תמורת סכום כסף או הטבה אחרת שהוסכם בין הצדדים, ובזה סגי וא"צ שיקבל כסף בידים.

ולמרות שהדברים ניכרים שיש בזה הערמה, נראה דרוב הפוסקים לא חששו לזה, עיין מג"א תמ"ג סק"ד דאם יכול למכור חמץ שנמצא אצלו בפקדון לנכרי מכירה שאינה חלוטה, והנכרי יחזיר לו לאחר הפסח, כך יעשה במקום מכירה חלוטה בשוק. (ומקור הדברים מתוספתא, והדברים יתבארו באריכות בשנה אחרת ואכ"מ). הרי דלא חש לכך כשיהיה מכירה דרך הערמה, והמ"ב וש"פ הזכירו

the money to pay for it. If the total price is beyond the capacity of the gentile to pay, you may lend the gentile the money, pay her salary early or give her the cash as a gift.

228.1. Should he or she borrow money, the money belongs to him or her and a debt to you in the amount he or she borrowed is created. Remember to agree on a time limit when the debt is due. For example, it is reasonable to extend the loan for 30 days. It is prudent to write up an I.O.U. attesting to the details of the loan. The names of the parties, the amount, the date of loan and date of return should all be included. Then have both parties sign it. The promissory note should be held by the person who lent the money.

229. The maid (or other employee who lives on site), should examine the merchandise and decide whether or not they want to purchase it and whether they find the prices reasonable. If they do not wish to have a certain item, you will need to remove it. For example, should the gentile be a Muslim, they may be forbidden to own liquor and may not agree to purchase scotch or beer. They may find the price of your kosher crackers too expensive and refuse to purchase them. In that case, you will need to remove those items they are not interested in buying and destroy or find another person to sell them to or lower the price.

230. Once the gentile has approved of the purchase, she or he can proceed to effectuate the sale. She (or he) must pay you **in full** for the chometz and then pick it up from your house and bring it to their room that is rented or given to them to use (as described earlier). Since both transfer of money and a *hagbobo* were made, you can be sure that a *kinyan* was made and the merchandise belongs to the non-Jew. Either the *kinyan kesef* or the

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דברי המג"א בזה. אולם לדעת הגר"א, לא טוב למכור אלא מכירה חלוטה ובלי הערמה. ולשיטתו לא יעשה מכירת חמץ כלל ערב פסח באופן שידוע שהנכרי ימכור לו בחזרה.



*kinyan hagboboh* was the instrument to effectuate a halachic transfer of ownership. Make sure that the person who is buying the merchandise is the person who is lifting the box. Do not let others lift the box for the one making the purchase. (Once the non-Jewish buyer has lifted the box 30 centimeters above the surface it was on, he may pass it to someone else to help him. A helper can be Jewish or non-Jewish.) After the non-Jew has paid and lifted the box(es) they can then use the chometz since it is theirs. (To verify that the non-Jew is aware of what transpired, you can point to the chometz and ask, “who does this belong to?”). However, if the non-Jew borrowed money from you in order to make the purchase, she or he must still pay back the loan she took from you at the designated time agreed upon by the parties.

231. After Pesach is over, if the chometz has been used, that is perfectly fine as it was theirs and they paid for it. The only claim you have against the non-Jew is a monetary claim for the loan. They will either pay you the debt they owe, or you can deduct it from the salary that you owe them for their labor. Make sure that the employee is aware at the time that you give the loan, that should they fail to repay the loan, you will deduct the debt from the salary due to them that follows the date which the loan is due.
232. Should some or all of the chometz still exist after Pesach and you wish to buy it back from the non-Jew, you may choose to do so. Whatever you wish to buy, you may buy back. When you buy it back, it is advisable to make it worthwhile for the gentile. She or he has cooperated with your financial and religious needs and can be rewarded for it by buying the chometz back from her at a premium. You can add a percentage or other gift to sweeten the deal. I suggest that the amount added should be commensurate with the amount of time and effort they invested in helping you. You may also want to consider using them again next year. A nice bonus might be helpful to encourage cooperation for the following year.

233. By following these guidelines, you will have successfully transferred the chometz to a gentile during Pesach and most likely will receive the same chometz back, should you wish to repurchase it. I emphasize again that owning chometz on Pesach is a serious violation. Only a person who is confident that they understand the instructions here should rely on them. Should you follow them meticulously and with complete intent to make the sale final, it is my halachic opinion that you will not own chometz on Pesach. I confirm that according to the best of my knowledge, this system is halachically sound. If you have any compunctions about the halochah as it was presented or your capacity to properly fulfill them, you are advised **not** to rely on this method.
234. Historically Jews did arrange the sale of their chometz by themselves. Rabbonim gave guidance and for centuries this was the accepted mode of selling chometz. Each Jew found a non-Jew he trusted and relied upon, the sale was made privately, the chometz was removed from the Jew's home and entered the domain of the non-Jew. However, after centuries of this practice (1640-1890), rabbonim realized that many people were not doing things correctly. The solution created was to centralize the sale and have it performed by the rabbonim themselves on behalf of the congregants. Therefore, I reiterate, that those who wish to perform the Unsupervised Mehadrin Sale should also use the standard sale done through the rav. Each type has its advantages and you can get the benefits of both by doing both.

235.

## Selected Laws Regarding the Sale of Chometz

### When Shabbos Is Erev Pesach

1. When a person approaches the rav to sell his chometz, he will also appoint the rav to rent the area where the chometz is situated.<sup>181</sup> There are a few reasons for this:
  - 1.1. One of the methods of transferring the chometz to the non-Jew is through the mode of acquisition called *kinyon chatzer*. *Kinyon chatzer* requires that the non-Jew first have the legal right to use the area in which the chometz is located. Items belonging to the seller that are situated on the buyer's *chatzer* (property) can be transferred to the owner of the property by means the fact that the parties agree to the transfer and the item is on the buyers real estate.
  - 1.2. The sale of the chometz may seem spurious to some since the item remains in the domain of the seller and has not entered the domain of the buyer. By transferring the location to the buyer, the sale of the chometz carries greater authenticity. Moreover, the Jew is less likely to accidentally consume some of the chometz if he is restricted from freely entering the area.
  - 1.3. Since the non-Jew generally only makes a down payment on the chometz and the balance is owed to the Jew (seller), the Jew has a vested interest in making sure the chometz will survive the *chag* so that he won't suffer a loss. The seller will likely want to assume some degree of responsibility to protect the item from loss so that he will be

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<sup>181</sup> עיין מ"ב תמ"ח ס"ק י"ב דרך בדיעבד סגי ביחד לו קרן זוית בביתו של הישראל, והביא בשם הב"ח והמ"א דעדיף למכור החדר שבו נמצא החמץ ובכך דינו כחוץ לביתו. ובא"י שאסור למכור קרקע לנכרי סגי בשכירות, וכן יש לעשות גם בחו"ל להשכיר לו האזור מטעמא אחרינא.

able to collect the balance from the buyer. Were the seller to leave the chometz open to theft or loss, the non-Jew might refuse to pay the balance were something to happen to the chometz and it was unavailable after the holiday to use or sell back. Such forced responsibility of the chometz is halachically considered a type of ownership and a violation of possession of chometz on Pesach. The way to counter that status is by making certain that the item is not in the physical domain of the seller. His limited and forced responsibility will only make him considered as a possessor of chometz if the chometz is also in his domain. By renting the area to the non-Jew, his forced responsibility is not a halachic concern.<sup>182</sup>

2. When the 14<sup>th</sup> of Nisson is on Shabbos, technically one may own and consume chometz on Friday night and for a few hours on Shabbos morning. It is forbidden to sell chometz on Shabbos.<sup>183</sup> Any sale must take place before Shabbos. Furthermore, one needs to eat bread on Friday night and Shabbos morning, so many people will want to keep chometz and eat it after the sale takes place. Various suggestions have been offered as to how to structure the sale and how to deal with the chometz to cope with the complex situation.

- 2.1. It is possible to exclude specific chometz from the sale. In that case, a clause of the sale agreement will specify a location in the house (e.g., the top shelf of the cupboard on the porch) where any chometz there at the time of the sale will remain the property of the Jew. If this

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<sup>182</sup> עיין מקור חיים סימן ת"מ סק"ג ובחידושים סק"ה דבמכירת חמץ שלנו שזוקפין הדמים במלוה וכשיאבד החמץ לא ישלם לו הנכרי, הוי על הישראל אחריות דנכרי אלם, ולכן אם הוא בעל הדירה שקנוי לו, צריך למכור החדר לנכרי ואם הישראל שוכר, סגי ליה שישכור החדר לנכרי. אולם הרבה פוסקים התירו דאף מי שהוא בעל הדירה רשאי להשכיר לנכרי החדר.

<sup>183</sup> עיין ביצה לו. שאסור לעשות מקח וממכר בשבת ועיין רש"י שם ובדף כז : שי"ל דהוי תקנה דרבנן וי"ל דנלמד מפסוק.

method is chosen, it is the responsibility of the Jew to consume or rid himself of all the chometz in that designated area before the relevant time on Shabbos. The best way to do that would be to flush it down the toilet before the time it is forbidden to own chometz.<sup>184</sup> This option is the most straightforward halachically. However, some people might forget to get rid of their chometz and then, on Shabbos, might place any leftover chometz in the cabinet marked “sold” with the other chometz that has been sold. Since it was explicitly excluded from the sale, placing it in that cabinet will not help. If you are concerned that you might forget, then it is advisable not to exclude chometz from the sale and rely on one of the other methods instead.

- 2.2. Another option is to sell **all** of the chometz on Friday, erev Shabbos. After the sale is complete, the rav should verbally and formally ask the non-Jew to permit the sellers to use any chometz on the condition that they will pay for it. Of course it is advisable to discuss this with the non-Jew in advance of the procedure to verify that he or she will be agreeable to this clause. That way, whatever the family uses actually belonged to the non-Jew and they will pay for it.
- 2.3. Some *poskim* suggest that the *kinyon*, or act of acquisition, take place on Friday with the condition that the transfer of ownership will only take effect the following day (on Shabbos) before the 5<sup>th</sup> hour of the day. The logic behind this is that the halochah of making a sale on Shabbos applies to the physical act of *kinyon*, not the transfer of ownership. This is disputed. Some argue that one may not create a

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<sup>184</sup> עיין מ"ב סימן תמ"ה סק"ה וע"ע בחזו"א או"ח קי"ח סק"ג.

situation in which a sale takes effect on Shabbos.<sup>185</sup> Since this is a matter of dispute, Rav Rubanowitz will not be using this method.

2.4. Yet another approach is to use the concept of *bereiroh*. One can sell the chometz to the non-Jew on Friday (the act of the sale and the effect of the sale), but do so conditionally so that it applies to whatever chometz will be in existence just before the 5<sup>th</sup> hour of the day on Shabbos. This method is also not accepted by all *poskim* and thus is not a favored method.<sup>186</sup>

3. In a year when Shabbos is erev Pesach, Rav Rubanowitz's *mechiras chometz* will offer the option of excluding some chometz from the sale. You will be able to choose between method 1 and method 2. If you wish to use unsold chometz on Shabbos, make a note of that on the application form presented by the Rav. If you are concerned that you might forget to

<sup>185</sup> דעת השואל ומשיב הלכה למעשה (שתיתאה סימן נ') דיעשה הקנין בששי וחלות הקנין יחול בשבת, וליכא למיחש לשמא יכתוב כיון דפעולת הקנין נעשה בחול והוא שעת החשש של כתיבה ובאותה שעה מותר לכתוב, ועל שעת החלות ליכא חשש שמא יכתוב. ועוד כתב, דהחשש שמא יכתוב הוא על הקונה ולא על המוכר, ולכן היכא דהגוי הוא הקונה כגון במכירת חמץ ליכא איסור. אולם בשו"ת רעק"א מהדו"ק סימן קנט ס"ל דיש איסור למכור לנכרי וגם כשרק החלות יחול בשבת והקנין גופא הוא בחול. ובמהרש"ם תמ"ד ס"א הביא ראיה מהריטב"א (ביבמות צג. ד"ה דר' ינאי) שלא כרעק"א. ע"ע בזה באג"מ (או"ח ח"ג סימן מ"ד) שמסיק שאין ראיה לכאן או לכאן ולפיכך הלכה כרעק"א שכבר הורה זקן. ובהר צבי (או"ח ח"א קכ"ו) מסיק להיתירא כשואל ומשיב. ועיין במ"ב (של"ט ס"ק כ"ז) דמדוויק כשואל ומשיב דליכא איסור כשיחול הקנין בשבת דחושש לענין פדיון בע"ש שיחול בשבת רק מטעם הברכה, אבל לגבי העברת הבעלות לא איכפת ליה. וכן פסק בחזו"א לקולא (דמאי ט: י"ב). ולכן נראה דמעיקר הדין יש להקל אם יש צורך בכך. אולם מאחר דיש עצות אחרות נראה דלמעשה יש להעדיף דרך הראשונה והשנייה.

<sup>186</sup> בדעת תורה (תמ"ד ס"א) העלה דיחול הקנין מע"ש על החמץ שיבורר למחר בשבת שעדיין קיים לפני זמן איסור הנאה של החמץ.

יש טוענים שיש בזה חסרון ברירה, שהרי בזמן הקנין והחלות לא מבורר איזה חמץ נמכר, ורק בזמן איסור הנאה של חמץ הוברר למפרע איזה חמץ נמכר. והמהרש"ם מתייחס לזה וטוען מאחר שעושים ביטול, ממילא יש כאן רק חשש דרבנן, ובדרבנן מהני ברירה, ועוד כתב חילוקים מדוע אמרין בזה ברירה. אמנם בספר אמרי יושר (א: קמ"ו) חולק עליו, ומאחר שיש בזה מחלוקת, נקראה דלכתחילה לא ימכור בכה"ג.

## Guide to Pesach 5781

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destroy your chometz properly and on time on Shabbos, then opt to sell all of your chometz on Friday. Rav Rubanowitz will arrange for you to be able to access the chometz sold and use it on Shabbos as explained in method 2.<sup>187</sup>

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<sup>187</sup> You will not need to pay extra for using this chometz as the buyer (non-Jew) only paid a small down payment at the time of sale. The balance is still owed. Whatever you consumed will be deducted from the amount he still owes.

236.

### *Eiruv Tavshilin*

When the last days Yom Tov fall on a Thursday and Friday, one is permitted to cook on chol hamoed for the first and second day of Yom Tov without resorting to an *eiruv tavshilin*.<sup>188</sup> One may also cook on *chol hamoed* for the Shabbos that follows immediately after Yom Tov even though Shabbos is not also Yom Tov despite the fact that no *eiruv tavshilin* was made.<sup>189</sup>

237. In order to cook and bake for Shabbos on a Friday that is also Yom Tov, an *eiruv tavshilin* should be performed in each household.

238. If one doesn't intend to prepare food for Shabbos or to light candles for Shabbos, there is no need for an *eiruv tavshilin*. For example, a guest who will not light candles and will be served meals does not have to make his own *eiruv tavshilin*.

239. Singles living alone or with roommates are required to light candles for Shabbos and should make an *eiruv tavshilin* without a *berochah*. If it is possible that they may wish to cook or bake on Friday for Shabbos (and certainly when they are sure that they will cook or bake) they should recite a *berochah*. The possibility of reheating cooked water is enough basis to

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<sup>188</sup> עיין רע"א ס"ס תקל"ט דדקדק מדברי הטור דאף מלאכה גמורה שריא מחוה"מ ליו"ט אחרון. והנה הקשה הפמ"ג בא"א ס"ק י"ד דלמ"ד מלאכת חוה"מ מה"ת, איך שרי לבשל בחוה"מ עבור יו"ט שני שהוא יום חול מה"ת, ונמצא שמבשל ביו"ט עבור חול, ומסתפק דאפשר באמת לא הותר מלאכה בחוה"מ ליו"ט שני. והנה באוכל שראוי לאכול באותו יום, הרי מותר לבשל מה"ת שמא יבואו אורחים כמו דאמרינן לענין יו"ט שהוא ערב שבת, ועל האיסור מדרבנן שפיר י"ל דהם אמרו והם אמרו. אמנם השאלה קיימת לענין אוכל שאסור לאכול היום ורק מותר באחרון של פסח.

ותירץ בא"א (בוטשאטש) ריש סימן תק"ל דגם למ"ד דמלאכת חוה"מ מה"ת, מ"מ גדר המלאכות ודיניהם נמסרו לחכמים לקבוע, והם התירו לעשות מלאכה בחוה"מ עבור יו"ט שני. ויש בזה חידוש דאייז הגדרת מלאכה שהם קובעים או היתר כללי כמו דבר האבד, אלא מקרה ספציפי, ומנין דג"ז בכלל דברים שהתורה מסרה לחכמים.

<sup>189</sup> טעם הדבר להתיר הבישול בחוה"מ הוא מפני שחז"ל התירו את זה כיון שא"א בענין אחר. ועוד י"ל דהוי כדבר האבד.



make a *berochah* on the *eiruv tavshilin*. Only when it is unlikely that you will need to cook or bake, is the *eiruv tavshilin* performed without the *berochah*.

240. Start your *eiruv tavshilin* by choosing one cooked item, such as a boiled egg, fish or meat. Preferably the food item should be roasted, pickled, smoked, fried or cooked on Erev Yom Tov, but it is acceptable to use something prepared earlier. If fresh food is unavailable, frozen food that is fully cooked can be used. Then choose a baked item such as a roll, matzah, cracker or piece of cake. Each item should be the size of an egg.

241. Place the items on the counter in front of you or in your hands and recite the *berochah*

אשר קדשנו במצותיו, וצונו על מצות עירוב

(if appropriate; see point 3).

242. Then orally explain the *eiruv* even if no one else is listening:

*Through this eiruv may we be permitted to bake, cook, insulate, light flames and do anything necessary on Yom Tov for the sake of Shabbos.*

243. The food items should be set aside and not used until Shabbos, at which point the foods may be eaten. If one completed all preparations for Shabbos on Friday, the items may be eaten after the preparations are complete. If one made an *eiruv* on behalf of others, the items must not be eaten before Shabbos because some of the food belongs to other people and consuming it before Shabbos would be an act of theft. The owners have only allowed the person who made the *eiruv* on their behalf to consume the food after all Friday preparations have been completed.

244. If the cooked item of the *eiruv* was consumed, lost or spoiled before Yom Tov, another one should be made with a new *berochah*. If the *eiruv* was consumed, spoiled or lost on Yom Tov before the Shabbos preparations were completed, the *eiruv tavshilin* is invalidated and it is as if there never was one. Hence, the person is forbidden to cook or bake on Yom Tov for

Shabbos. If the *eiruv* was consumed, spoiled or lost *after* one started to prepare, one may finish preparing the food item that was started. Although new foods cannot be prepared (since the *eiruv* is now unavailable), there is still a way to have food for Shabbos: All foods prepared while the *eiruv tavshilin* existed, even if the intention was to consume them on Yom Tov, can now be set aside for Shabbos use instead. New foods can be cooked for Yom Tov use.

245. If the baked item has been lost or consumed but the cooked item is still available, the *eiruv* is valid.
246. The preferable time for creating the *eiruv* is Erev Yom Tov, any time before candle lighting.
247. If it wasn't done on time, it can be done (in Eretz Yisroel) up to ten minutes after sunset of the first day of Yom Tov, even if the Yom Tov candles have already been lit. In the RSA, one has less time after sunset to make the *eiruv tavshilin*.
248. Someone who remembers while in shul that he has not made an *eiruv tavshilin* and either cannot make it home in time to do so or would miss davening Mincha with the congregation if he went home may recite the *berochah* and then the following:

*I hereby designate the cooked and baked items that I shall choose when I come home as the eiruv tavshilin. Through that eiruv may we be permitted to bake, cook, insulate, light flames and do anything necessary on Yom Tov for the sake of Shabbos.*

When he arrives home, he should choose cooked and baked items and repeat the statement again without a *berochah*.

248. Even if an *eiruv* was created, it is still forbidden to cook or bake on the first day of Rosh Hashonoh for Shabbos. The license to prepare for Shabbos only applies from nightfall on Thursday night.

249. Shabbos preparations should be completed by sunset on Friday afternoon. The food should be fully cooked long enough before Shabbos that it can be consumed or served to guests on Friday. Although the food is being prepared for Shabbos and the intention is not to eat it on Friday, it should be possible to eat it on Friday. For example, a person making a cholent for Shabbos should make sure that it is fully cooked long enough in advance that it could be served to guests on Friday.
250. The *eiruv tavshilin* only permits preparations for Shabbos that would be permitted on Yom Tov for Yom Tov itself. It does not allow one to plug in a hot plate or slow cooker, strike a match, turn on lights, pick fruits or vegetables from the garden or perform any other activity that may not be performed for Yom Tov itself.
251. An *eiruv tavshilin* is valid for all non-*melochah* activities that would otherwise be forbidden due to *bachonah* (preparation for Shabbos on Yom Tov). For example, a person who has made an *eiruv tavshilin* may roll a sefer Torah on Friday to the section that will be read on Shabbos. He may also fold his *tallis* on Friday even if the action is noticeably done to be ready for use on Shabbos.
252. An *eiruv tavshilin* made by one member of a family is effective for all household members and Yom Tov guests. For example, visiting children (married or single) may rely on the household *eiruv*.
253. If one forgot to prepare an *eiruv tavshilin*, one may still prepare on Friday for Shabbos since Rav Baruch is creating an *eiruv* for all associates and friends of his community in Yerushalayim and Johannesburg and all residents of both cities. However, this dispensation can only be used sparingly. If a person neglected to perform the *eiruv tavshilin* because he planned to rely on the Rav, he may not do so. Similarly, if he frequently forgets to prepare an *eiruv tavshilin* and recently needed to rely on the Rav's

*eiruv*, he may not do so. Someone who forgot to make an *eiruv*, was unable to do so or mistakenly thought that the Rav makes the *eiruv* for everyone may rely on the Rav's *eiruv*.

254. Even if one did not make an *eiruv*, a second person who did make one, may prepare food for the first person.
255. Without an *eiruv tavshilin*, one may cook extra food for Yom Tov on Yom Tov provided that it can be consumed on Yom Tov. Any leftovers can be used for Shabbos. One may cook many dishes for Yom Tov and leave some over for Shabbos, provided that each dish is eaten from on Yom Tov.
256. Without an *eiruv tavshilin* and in situations where one cannot rely on the Rav, it is forbidden to make any preparations for Shabbos. Lighting Shabbos candles is also forbidden nowadays; since homes are illuminated with electric lights, there is no dispensation to light even one candle for Shabbos.
257. **For a *ben Eretz Yisroel*:** When the last day of Pesach is a Friday and an *eruv tavshilin* was made on Thursday, it is permitted to cook *kitniyos* on Friday for use on Shabbos (since Shabbos is not Pesach) in pots that are kosher for Pesach. (In *chutz laaretz*, when Yom Tov is Friday, Shabbos is also Yom Tov and *kitniyos* are forbidden on Shabbos as well.)

### Tefilloh at Times of Distress

258. The Ramban teaches that at times of suffering, when we are worried about our health, financial security and safety, it is a Torah obligation to place one's hopes for protection, salvation, healing and rescue in Hashem alone. Relying on human intelligence and strategies, science, public health policy or medicine is a violation of this *mitzvah*.<sup>190</sup> All that we do in order to arrange for prevention, safety and security when we rely on the above list of practical measures are behaviors required by *halachah* to receive Hashem's blessings, protection, healing and salvation.
24. This is a simple concept to understand but difficult to actualize. This *mitzvah* was the focal point of the mass *tefillah* of the Jewish people around the world *erev* Rosh Chodesh Nisvan 5780. When such events take place, it should be approached as an obligatory *mitzvah*. Such events are good exercises for our *neshamos* training them to place our hope and reliance in Hashem alone.
259. If you believe in Hashem, if you believe that He is aware, if you believe that He has control, you have been witness to one of the greatest displays that man has seen for decades and centuries of Hashem's complete command, mastery, control, domination, manipulation, governance, power and **מלכות**. It is something to appreciate with great excitement and joy as Hashem reveals himself to us in the way that He allows Himself to be seen in our generation.
260. There is a **קול דממה דקה** around the world. Silence from business, travel and flights, wars, governance and the normal hum of the world. The world is focused on survival.

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<sup>190</sup> רמב"ן בהשגות למנין המצוות של הרמב"ם עשה ה': ולעבדו זה התלמוד ד"א זו תפלה אסמכתא היא או לומר שמכלל העבודה שנלמוד תורה ושנתפלל אליו בעת הצרות ותהיינה עינינו ולבנו אליו לבדו כעיני עבדים אל יד אדוניהם.

261. Some people seek solutions, escape routes and even turn to Hashem to get them out of the mess they and the world are in. Looking forward to a better time is a normal and appropriate reaction.
262. There is another important exercise to perform during this time and perhaps should precede the instinctive reaction of survival. Subordination, humility and awareness that all solutions are really from Hashem and we are powerless. The forward movement of the world is directed by Hashem and guided to where He wants it to go. We cannot control our destiny.
263. This is a lesson the world and Jews realized many times before in different settings and came out stronger than they were when the revelations started.



264.

# Corona Torah



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## Corona Torah

By Rav Baruch Rubanowitz

### Balancing Halochah and Public Health Concerns

1. Here are some of the principles that guide Rav Rubanowitz regarding halachic issues in light of the pandemic.
2. A pandemic which threatens lives is a danger to life that is not directed against Jews or the Jewish religion. All humans are affected equally. Therefore, it is not appropriate to consider endangering one's life in order to fulfil *mitzvos*.<sup>191</sup> Just as when there is a danger to life on Yom Hakippurim or Shabbos, halochah is set aside in favor of preservation of life, so too, all *mitzvos* related are set aside, including davening with a *minyon* or reciting *kaddish*. These are minor matters compared to violation of Shabbos and Yom Hakippurim. However, it is important to seek solutions to satisfy halachic requirements without endangering the shul community or the larger public. As public health officials have become more familiar with Covid 19, protocols that control the environment have been developed that when followed fastidiously, offer reasonable protection to the community during *tefillos* and learning in a Beis Hamidros. When people keep appropriate distancing, masks and sanitization upon entry and exit of the premises, the risk is negligible.
3. When making halachic assessments regarding public health issues, the public health data needs to be current and span a number of areas. One needs to learn about the aggressiveness with which the virus is spreading, the prevalence of asymptomatic carriers, behavior of the public, treatment

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<sup>191</sup> עיין יו"ד סימן קנ"ז ס"א ובש"ך סק"א וסק"ב דיש דיעות אי שרי ליהרג ולא לעבור כשמתכוין להעבירו על הדת. אבל במכת דבר שאין מי שמעבירו אפילו להנאת עצמו, נראה דלכו"ע אסור לקיים המצוות ולהקריב את נפשו.



available, prevention and vaccines, capacity of the health care system to handle the crisis and more. Obtaining accurate information and filtering it to determine the right questions and factors, evaluating the risk level vis-à-vis societal and religious considerations are all part of the halachic process. No two rabbonim have the same training, worldview or biases; hence the halochoh produced by the same data may not be identical. Still, the process should be similar for all halachic answers. Technically, it is up to each Jew to determine the halochoh for himself. Should one recognize that he or she is unqualified to do so (and many have the humility to realize that), it is appropriate for one to find a *posek* that he or she has confidence in to make the best halachic decision for them.

### **Why a Posek and not a Public Health Specialist?**

4. There are a number of approaches how the observant Jewish community approaches public health policy. Some turn to a Rav or *posek*; others to the medical community. The attitude regarding this issue stems from fundamentally different perspectives about Judaism, Torah and life.
5. Some people decide to drop all interest in rabbinic or halachic discourse when it comes to medicine and public health issues. They opt for the general directives of the public health officials and medical personnel appropriate for non-Jews. This can stem from a viewpoint that halochoh has its place in kashrus, Shabbos, mikve, burial, marriage, divorce, business disputes and other Torah matters, but not in the realm of the marketplace of life and real-life decisions and especially of public health issues. For such matters, they believe that Hashem Himself would recommend that one should turn to experts in these fields and bypass a learned rabbi and his opinion. To the writer, this notion is a faulty perception of religion and halochoh. All matters of real-life decisions need to be evaluated through the prism of Torah and halochoh.

- 5.1. In the eyes of such a person, the world is divided into religious behavior and mundane matters. The rabbi is relevant only for religious behavior.
- 5.2. Authentic Judaism maintains that every part of our lives, the mundane and the sacred, are equally to be guided by halochah. Every behavior and activity is an opportunity to serve Hashem and can equally purify one's *neshomah* to merit pleasure in the next world. Seeking religious and halachic guidance in public health matters is just as necessary, if not more necessary, than guidance in the laws of Shabbos or kashrus. Someone who is unaware of that, is unfortunately lacking a true understanding of Judaism.
6. There are those that choose to ignore rabbinic comments on the matter because they have no *confidence* in any particular rav. In principal, they agree that it should be determined through the prism of Torah and halochah, but they don't know someone they trust enough to rely on. Especially matters that can have such significant ramifications of life and death it is essential to have confidence in the character, capabilities and resources of the Rav. Such an attitude, in my opinion, is legitimate. Such a person may decide to listen to public health officials (instead of a rav) and use the data available to make their own decision or simply rely on public health officials and their recommendations. If there is no one that you have confidence in to make such a decision for you, it is not necessary to rely on whoever is accessible. In such a case, it may be warranted to be wary. One should only rely on a rav when one is confident that he has the capacity to obtain the appropriate data, when the rabbi is capable of sound judgement in weighing the factors, when the rabbi has the time and energy to devote himself to the questions at hand and he realizes the import of his decision. When the Rav has already demonstrated great *yiras shomayim* and is known to be impartial and would not be swayed by personal agendas

or external factors, then one may, and should, rely on the rav to make such a decision. This is a tall order and not always attainable. Each person needs to make the best choice among the options available to him or her. Relying on public health policy when it is not informed by Jewish values is also fraught with problems. This is true whether one bypasses the rav perceiving him as superfluous (an erroneous approach) or whether out of a sense of despair that there is no one available to offer proper halachic guidance (a legitimate approach). When dealing with any issue of medical ethics and certainly something as complex as a pandemic that has sociological, financial, psychological, religious and public health ramifications only a person well versed in Torah values and halochah can weigh the different factors and offer a communal or personal recommendation.

### **Asking a Gadol a *she'eiloh* on a Public Health Issue**

7. There is yet another approach of *yirei shomayim* which is often seen as more religiously inclined (a *frummer* approach) but in fact is a dangerous and theologically vacuous perspective. Believers of this approach think that they are closer to Hashem, but in fact, in my opinion are further from Hashem.
8. These people seek rabbinic direction and have belief that when a question is presented to the best of one's capability, and an answer is received by a *gadol hador*, that answer is as powerful and correct as the word of Hashem Himself regardless of whether the question was well understood or if all the facts were accurately presented. It is as if a prophet or Urim VeTumim was consulted and the answer is infallible and will surely lead to the best success possible. The Jewish people used to have Prophets, Urim VeTumim and a Sanhedrin. Direction from those sources were truly the word of Hashem and should be followed implicitly. However, today we are guided by *chachomim* who are infused with Torah and can try their best

to know what it is that Hashem would want, and we are well advised to heed their direction, **provided they are given all of the relevant and accurate information.** When Rav Moshe Feinstein or other *gedolim* in the diaspora were asked questions relating to Eretz Yisroel, they would often answer that they will not and cannot respond. The question needs to be addressed to those on site. By Hashem's grace there were *chachomim* in Eretz Yisroel that could answer the questions. The reticence to answer a *she'eiloh* from another area is probably because it is practically impossible to offer the full picture anytime. It is especially difficult if one is not a local and does not have a sense of the local circumstances and attitudes. Particularly when dealing with *pikuach nefesh* questions the concern and attitude of the people is halachically significant.<sup>192</sup> A *posek* is not a prophet nor an oracle. He is presented facts and judges based upon the facts presented and his understanding of the situation which may be prejudiced by his experiences and local circumstances. It would be necessary to share all of the circumstances to receive an accurate ruling. Hence, there are limitations in asking a person who is foreign to the environment, culture and way of thinking. Sometimes there is no choice as there is no one else to turn to and that is the best course of action.

9. Another acceptable approach is for a local *posek* who is prepared to determine the halochah himself but wishes to seek counsel and guidance from an experienced and wise *posek*. If the local rav asking the *she'eiloh* is a qualified *posek*, he may make the determination himself and take

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<sup>192</sup> My *rebbe'im*, Rav Zalman Nechemiah Goldberg זצ"ל and *yibodel lechaim*, Rav Shlomo Fisher *shelita*, would often point out that the parameters of a *sakonoh* (danger) in halochah should not be determined by the statistical or objective measure, but rather by the perception of the people. One may violate Shabbos if something is *considered* dangerous even if it really is not. One may **not** violate Shabbos if it is not *considered* as dangerous even if it really is.

responsibility for the decision. A wise person can offer counsel and suggest factors that the local *posek* may not have considered. Counsel is so important. But it is just that, an approach *to consider*. At the end of the analysis, a qualified *posek* who has experience evaluating matters and coming to definitive decisions should consider all the factors and make a decision that he is responsible for and believes is correct. If he is still unsure, he won't allow himself to decide and will conduct himself as one needs to do when the matter remains in doubt. A significant part of halochah has guidelines for situations of unclarity and the unknown realm.

10. However, to shrug off the responsibility of the decision by allowing someone who doesn't live among the people, who has heard a short and incomplete rendition of the question, to decide the matter is, in my opinion, irresponsible. *Emunas chachomim* plays no role here. Trusting that a "*she'eiloh* was asked and who can question the authority of the *gadol*" is a faulty process when done quickly. When the *gadol* has enough time to apply his mind and ask any relevant questions that he believes is important to address, it is a true *she'eiloh* and *teshuvah*. Unfortunately, on occasion the process seems to have taken on a different dynamic. A quick call with limited information and quick answers has become more common in certain circles. That is not a true *psak* halochah. That is a statement elicited that is lacking in halachic substance and filled with the blessing of a mystical figure. It is especially egregious when it is presented as a holy declaration as if an oracle has spoken. Often, regardless of how irrational it may appear, the outcome is often adopted due to a mystical aura surrounding the "*psak*", when in fact the answer was never meant to be a mystical response but a reasonable recommendation based on halochah.
11. In summary, there is an appropriate method to ask a *she'eiloh*. When a qualified *posek* is available, we should avail ourselves of *psak* halochah (as described). Another acceptable method is for a local *posek* to choose to

seek counsel from a greater *posek* that is living in a different environment and the local *posek* will make the determination himself. However, in my opinion, asking a short *she'iloh* of someone living in a different set of circumstances is not a valid substitute for either of the above approaches.

12. An even more egregious way of responding to the *psak* of a *she'iloh* is to manipulate the question in such a way to elicit a desired response and then follow the "*psak*" of the *gadol*. That is a self-fulfilling prophecy.
13. When a person believes there is no qualified *posek* available, then often the best option is to ask a *she'iloh* of someone unfamiliar with the circumstance.

### **Incorporating Public Health Data into Halochah**

14. The method I was trained to use, and seems to me as a healthy and reasonable approach on matters of health is to recognize that a public health issue is a halachic question which requires *input* from public health officials in order to be able to rule on the halachic matter. It is a halachic question because there are religious factors to the question that a public health official cannot appreciate nor has any tools to evaluate. It is necessary for the *posek* to know the halachic principles extremely well, to garner all the relevant and accurate information and properly apply them to the situation. The *posek* might seek counsel and halachic guidance to verify which principles should be used. The *posek* should gather accurate input from secular sources such as public health officials and from economic, sociological, psychological and other realms that may have data found in secular and non-Jewish arenas. Before making a decision, it is often appropriate to seek guidance from wise people and halachic authorities as to the correct way to *apply* the principles to the facts. However, the decision needs to be made by a human being who factors statistics, perceptions, risk factors, communal matters and halachic principles. It will never be an edict from heaven with a blessing attached. It will always be a living decision that might be wrong due to a

miscalculation, faulty information or misapplied principles. Furthermore, even if correct, it may have a short shelf life as factors shift and circumstances change.

15. As a Rov of a frum community, I am charged with making decisions that affect lives in the religious and the physical realm. I share my perspective so that the readers may understand the philosophy behind the approach I use. This is important so that all are now better able to decide whether this is consistent with the values that they hold dear.

### Virtual Minyanim

16. When davening in front of a camera that connects you to nine others that are davening (“virtual minyon”), it is halachically equivalent to davening alone. No *kedushoh*, *kaddish*, *chazoras hashatz* or *kerias Hatorah* may be recited.

- 16.1. If you know someone has made a *berochah* at a particular moment, even if you did not hear it, one may answer amen. Therefore, it is permissible to answer amen when listening to a live *berochah* being recited on Zoom or other instant live video feed.

### Home Bound

17. When davening at home, one should choose a designated spot for davening that will allow one to daven undisturbed.<sup>193</sup>

### Outdoor Minyan-Avoiding *Eivoh*

18. Social distancing can be done properly in a park. However, it is not advisable to *daven* with a *minyan* in a public area even if there are five meters between each person. *Nochrim* may see it and unjustifiably use it to blame the Jews for spreading the virus.

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<sup>193</sup> מ״ב סימן צ׳ ס״ק נ״ט.

### Forming *Minyonim* from Balconies

19. In some places, like in Eretz Yisroel, each family is in their home, and if they all daven on their balconies, they can see and hear each other. Should there be ten men in such a proximity, may they form a minyan for *devorim shebikdushoh* (*chazoras hashatz*, *kaddish* and *kerias Hatorah*)?

19.1. This is an unacceptable minyan. All members of a minyan for **דברים שבקדושה** should be in a single domain or room. Seeing each other from separate balconies is insufficient. This principle should be extended to shuls or *minyonim* in homes when part of the minyan is in one room while another part is in another room or behind a *mechitzoh*. A minyan requires that all members be in one room. All ten men should be in the *ezeras gevorim* or in one room in a home setting (e.g., the home of an *avel* when there is no concern of an epidemic).<sup>194</sup>

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<sup>194</sup> עיין מ"ב סימן נ"ה ס"ק נ"ז דמביא ב' דיעות בזה ומסיים ובמקום הדחק אפשר שיש להקל. והיה נראה שמצב עולם התורה בשנת תש"פ (אשתקד) שהיתה בלי מנינים לשבועות ארוכות כל אחד מחדרים אימה וסגירת הדלתות ובאיסור לתת מן הבית חוצה עד הודעה חדשה היתה שעת הדחק, ויש מקום להקל ועכ"פ לא למנוע או למחות.

אולם מקור הדברים מדמיון לזימון (ברכות נ.), והרשב"א מסתפק בזה אם יש לחלק בין זימון לדברים שבקדושה (הובא בשער הציון נ"ה ס"ק נ"ג). מלשון הגמרא משמע דלדברים שבקדושה בעינן עשרה במקום אחד ממש, ושאינו זימון שאינו בכלל דברים שבקדושה.

ואף לענין ברהמ"ז וזימון אין הדבר פשוט, דיעויין בביאור הלכה סימן קצ"ה ד"ה שתי חבורות שהביא שהרשב"ש חולק על הרשב"א (וגם הרשב"א כתב רק בדרך אפשר), ולדעת הגר"א לא מהני רואים אלו את אלו אף לזימון ג', ובעינן שכולם יהיו בחדר אחד באופן שאפשר להוציא אחד את חברו, ובביה"ל כתב שיותר מסתבר כדבריהם (של הגר"א והרשב"ש). ונראה דבריו כסותרים זא"ז, ואפשר דנכתבו ע"י שני ת"ח כמש"כ בנו של הח"ח בתולדות חייו הנדפס בכל כתבי הח"ח.

ועוד יש להוסיף בזה שיטת עה"ש סימן נ"ה ס"כ דלא מהני רואין אלו את אלו כשנמצא בחדר ומחיצות, ורק מהני מאחורי ביהכ"נ או ברחוב. נמצא דלשיטתו ברוב המקרים לא שייך צירוף, ובודאי לא של מנין שלם. ועה"ש היה מגדולי הפוסקים בליטא. ויש לחשוש להזכרת ש"ש שלא לצורך, וחסרון בכוונה כשמתפלל בחוץ ומנסה לעקוב אחר החזן. ויותר ראוי שיקבע זמן תפלתו בהנף החמה או בשעה קבועה ויתפלל במתינות ובכוונה.

ולכן נראה דאין להקל בזה, ואף לענין זימון אין כדאי להקל וכ"ש לענין דברים שבקדושה.



### Appropriate Time to daven without a Minyan

20. If I am davening alone, what is the best time to daven?

- 20.1. The optimum time to daven *shacharis* is to reach *shemone esrei* at sunrise (הנץ החמה הנראה). Kerias Shema should be said about five minutes before that.<sup>195</sup> When one will not be davening with a minyan, for whatever reason, and has the option to choose the time when he will daven, it is advisable to daven *kevosikin*. Davening *kevosikin beyichidus* has a greater value than *tefillah betzibbur* after *honeitz hachamoh*. The *tefillas* are easily accepted when done at the optimum time.
- 20.2. To daven *kevosikin*, one should start about 30 minutes before *honeitz hachamoh* and synchronize the *tefillah* to reach *shemone esrei* at sunrise. It is not necessary to be exact; it is more important to daven with *kavonah* and reach *shemone esrei* a little before or after sunrise than to focus one's attention on the clock and pace.
- 20.3. One may daven *minchah* any time from *zman minchah gedolah* until just before sunset. One should finish *shemone esrei* before sunset.
- 20.4. **Maariv:** When davening alone without a minyan it is important to make sure that you daven after *tzeis hakoachavim*. It is not

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<sup>195</sup> עיין מ"ב סימן צ' ס"ק ל"א דכשיש מנין לאחר הנץ החמה, ואם יצטרך לחכות עד התפלה בציבור, לא יוכל ללמוד שמא ימשוך בלימודו, מוטב שיתפלל כותיקין ביחידות. אבל משם לא שמענו לנד"ד שאין מנין אח"כ שיצטרף אליו, וכשיתעורר לאחר הנץ החמה יתפלל מיד עם ציבור, לא שמענו עדיפות להתפלל דוקא כותיקין בהנץ החמה.

אולם יעויין בביה"ל סימן נ"ח ד"ה ומצוה מן המובחר דמצוה להתפלל ביחידות בהנץ החמה ובלי תפילין (לק"ש ולתפלה) מלחכות עד שיהיה מנין אח"כ. ובשם ר' חיים קנייבסקי מבואר דמה שכתב הביה"ל "הזהירים לקרות כותיקין" לאו דוקא, ואורחא דמילתא נקט, וה"ה מי שרוצה להתפלל ביחידות במקום בתפלה בציבור אח"כ, רשאי. וכן מבואר משעה"צ תקצ"א ס"ק י"ג דעיקר זמן תפלת שחרית הוא בהנץ החמה.

ושמענו בשם החזו"א דתפלה כותיקין עדיפא ע"פ תפלה בציבור שלא בזמן הנץ החמה. ובשם ר' נסים קרליץ זצ"ל דיתפלל כותיקין ביחידות אף שאח"כ לא יוכל לשמוע קדיש וקדושה.

ובשם ר' אלישיב זצ"ל דעדיף תפלה ביחידות בהנץ החמה יותר מתפלה בציבור קודם הנץ החמה.

recommended for bnei Torah to daven maariv during the week before *tzeis hakochavim*, even with a minyon.<sup>196</sup>

- 20.5. There is no halachic advantage to synchronize the davening of all the members of the shul to daven at a set time.<sup>197</sup>

### ***Mechitzoh***

21. If our family davens together on Shabbos or Weekday, do we need a *mechitzoh*?

- 21.1. You may gather your family together on Shabbos or weekday and all daven together without a *mechitzoh*. You can make it fun by choosing a male (even a child) to lead the davening as a *chazzan*. This is a good opportunity to develop self-confidence, musical skills, and *nusach tefillah*. A *mechitzoh* was legislated by Chazal specifically for *tefillah betzibbur* and other gatherings that are open to the public. It is not required when the family davens together. Even in a shul setting, Rav Moshe Feinstein allows there to be two women davening in the men's section. He maintains that the custom in Europe was for up to two women to daven in the main shul. After three women, women need to be on the other side of a *mechitzoh* when davening with a minyan or

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<sup>196</sup> מ"ב סימן צ' ס"ק ל"ב. התם מבואר דאף אם יש מנין שמתפללים מעריב ומקדימים לפני צאה"כ, ורוצה להתפלל בשעה שהציבור מתפללים דהוא מעלה בהלכה, מ"מ כיון שהוא לפני הזמן, יעדיף להתפלל לאחר צאה"כ ולא בשעה שהציבור מתפללים. וכ"ש בנד"ד דאין ציבור מתפללים אז, דודאי יחכה עד שעה שהוא לילה בודאי.

<sup>197</sup> בסימן צ' ס"ט שמי שאנוס ואינו יכול להתפלל בציבור יכוין להתפלל בשעה שהציבור מתפללים. וביאר ר' נויברט ז"ל דהיינו הציבור שבו רגיל להתפלל. ושמעתי אומרים דא"כ כל הציבור יקבעו זמן אחד להתפלל בו כדי לקיים ענין זה של בשעה שהציבור מתפללים בו. ולעני"ד הוא טעות, וכוונת המחבר שכשיש מנין המתפלל במקום שרגיל להתפלל יכוין תפלתו עמהם, אבל כשנתבטל המנין שלו, וכל אחד מתפלל ביחידות, ואין כאן תפלה בציבור אף אם רואים אחד את השני במכשירי וידאו, מ"מ הם מחולקים כל אחד במקומו, א"כ אין כאן שעה שהציבור מתפללים, ויתפלל לפי ההנחיות שכתבתי למעלה.

in an open public forum. Any gathering that is by invitation only, does not require a *mechitzah*.

### Diapers

22. We have toddlers at home that are not yet toilet trained. What kind of guidance can you offer to us when davening in their presence?

22.1. One may not daven within two meters of a foul odor emanating from a full diaper. If the diaper is clean or does not smell, one may daven in the presence of the diaper.

### Shabbos

#### שלום עליכם

23. Should we sing *sholom aleichem* Friday night?

23.1. It is true that the custom of singing *sholom aleichem* is based on the *midrash* that two angels accompany a person as he comes home from shul. If a person did not go to shul, one might think that since no angels have accompanied him home it is ridiculous to sing something without any purpose. However, my rebbi, Rav Moshe Heinemann, shared with me that he had asked this question to Rav Moshe Feinstein. Rav Moshe responded that if a person was unable to attend shul, he certainly won't be at a disadvantage to those who went to shul. The angels will find their way to his home and he may recite the *sholom aleichem*.

### Carrying

24. If a person wishes to walk on Shabbos in an area that does not have an *eiruv*, he may wear a mask and gloves as a preventative measure and protection from Covid 19.<sup>198</sup>

### Sanitizing Lotion

25. It is permissible to use sanitizing lotion on Shabbos.<sup>199</sup> All sanitizing lotions may be owned and used on Pesach.

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### Marital Relations

26. These are times of suffering for the world. Are marital relations permissible?

- 26.1. Although during the flood of Noach and the famine in Yosef Hatzaddik's time it was appropriate to abstain, as long as the plague has not reached one's city, despite the suffering in the world, relations are permitted. My rebbi, Rav Heineman, told us that he had asked Rav Moshe Feinstein whether relations were permitted during the six-day war. Rav Moshe responded that it was permitted since the war was in

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<sup>198</sup> עיין או"ח ש"א סל"ז ובמ"ב ס"ק קל"ח וקמ"א שמותר ללבוש כפפות בשבת מפני שהם מלבוש גמור. ומה שחושש שיורידם וחשש שיבא לאתווי ד"א ברה"ר נראה להקל בכפפות של latex שהרי אפשר לעשות אף fine motor skills וליכא למיחש שיורידם לעשות פעולות עם האצבעות. ועוד, המ"ב רק החמיר לבעלי נפש, ובמקום חשש היתדבקות והדבקות אחרים, נראה דאף בעל נפש אין צריך להחמיר.

ולענין מסכה ג"כ נראה דשרי. עיין ש"א סנ"א שמותר לצאת במצנפת שתולין בצואר למי שיש לו מכה בזרועו, ובמ"ב ס"ק ק"פ דאין אלו משאוי אלא כתכשיט. ובסימן ש"ג אשה יוצאת באבן שלא תפיל, ואפילו לא נתעברה עדיין, ומבואר שכל שמשמש את האדם אף אם אין בזה רפואה עכשיו אלא מניעה מפגיעה של חולי מ"מ מותר, דחשיב מלבוש. וכ"כ בשש"כ פ"י אות י"א. וממילא בנד"ד לצורך מניעת התדבקות לובש מסכה הוי מלבוש ושרי ברה"ר.

<sup>199</sup> שש"כ פרק מ' אות י"ד. ונראה דכל דבר שהוא נוזלי אין בו משום ממרח.

Eretz Yisroel and not in the USA (where the question was asked). The halochah of avoiding relations is found numerous times in Shulchan Aruch. It seems that it is an obligatory halochah, although there is a discussion that it may be considered a *midas chassidus*. See notes for more source material to research the issue. In O.C. 576:2 the Shulchan Aruch explains that any frequency of less than 0.6% of deaths per population in a 72-hour period is not an indication that there is an epidemic. However, if there are travelers between cities, then the frequency of one city is projected on to the second city. Also, if a pandemic exists, it would seem to this writer that the frequency mentioned in Shulchan Aruch is irrelevant since the epidemic has been clearly established it is not logical to attribute the deaths to a cause unrelated to a virus. This is even more true if the cause of death is medically confirmed to be from the virus. It should be noted that the *poskim* on Shulchan Aruch indicate that there is no prohibition if the *tashmish* is for the sake of a mitzvah of *pru urvu, onah* or to avoid forbidden behavior.<sup>200</sup> Although there is enough basis to consider our situation with Covid 19 as a halachically recognizable **דבר** (epidemic), the application of abstention due to an epidemic is not explicit. It can be considered an appropriate sensitivity but not a binding halachic requirement. Once it has been classified as a matter of sensitivity (with

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<sup>200</sup> עיין או"ח סמן ר"מ ס"ב, ובמ"ב שם ס"ק מ"ו, סימן תקע"ד ס"ד, ובא"ה סימן כ"ה ס"ו ובנו"כ בכל המקומות, ובפרט בשערי תשובה בהלכות תענית, ועיין כה"ח סימן ר"מ ס"ק פ"ה ומבואר דגם דבר בכלל, וכן משמע בלבוש, וע"ע בח"מ וט"ז בא"ה ונראה מדבריהם דגם דבר בכלל וע"ע בעזר מקודש שם. אולם **משער הציון בתקע"ד סק"ח** נראה להקל בנד"ד דבשאר צרות שלא נזכר בבבלי אלא בירושלמי, ושם לא נזכר בלשון איסור ואפשר דהוא רק מדת חסידות בעלמא, ועוד נראה דדוקא בצרות שיש בהם חסרון אוכל ולא שאר צרות, ועוד נראה לצרף מש"כ באשל אברהם (בוטשאש) סימן ר"מ ס"ב לענין שבי דכשמתאריך הרבה זמן אין הציבור יכול לעמוד בה ויש חשש מכשולות, ושרי כמו שעשו הנשים במצרים עם מראות הצובאות ונגאלו ע"י מצרים. וצ"ע דבתיבה היה שנה שלימה ובכ"ז נמנעו. ויש לחלק דבזה"ז ירבו המכשולים ולכן אין לאסור.

regard to a pandemic), one may factor personal considerations before deciding to abstain. In conclusion, *tashmish* is not forbidden.

### Mikve for Women

27. Men should avoid using communal *mikvaos* while the pandemic is spreading rapidly unless they are not at risk (recovered or vaccinated). Women should continue using *mikvaos* and follow proper protocol established by the public health officials and mikve attendants. After using the mikve, a woman may take a shower immediately upon arrival at home.<sup>201</sup>

28. Should the hygienic requirements require cleaning of the facility and separation between women to the point where not all the women can immerse at night, it is permissible for women to immerse in the mikve on the 8<sup>th</sup> day during daylight hours.<sup>202</sup>

### Omissions During *Tefilloh beyichidus*

29. The *kedushoh* recited in *birkos kerias Shema* may be recited without a *minyan* but should be read with the cantillations as if being read from the *Novi*.<sup>203</sup>

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<sup>201</sup> ואף שברמ"א יו"ד סו"ס ר"א מבואר להחמיר, י"ל דא"י אלא באותו בנין של המקוה, והיום זה לא נוגע דבדרך כלל מחייבים להתארגן ולהכין א"ע מחוץ למקוה, אבל כשחוזרת הביתה אין בזה איסור. ואף שבאג"מ (יו"ד ח"ב סימן צ"ו) משמע להחמיר אף בביתה, נראה דא"י אלא חומרא בעלמא ולא כדאי להחמיר בזה בחשש סכנה. ושמעתי ממו"ר הרב שלמה פיישר שליט"א דרשאתי האשה להתקלח בביתה לאחר המקוה והאיש רשאי להתקלח במקוה עצמה לאחר שטבל.

<sup>202</sup> עיין יו"ד סימן קצ"ז ס"ד דהיכא דאיכא אונס יכולה לטבול בשמיני מבעוד יום. ובפת"ש ס"ק י"א מבואר דבעינן אונס דרבים של כל בני העיר. ונד"ד נראה דהוי אונס דכל בני העיר שהמגפה פשטה בכל העולם וכולם מכירים בו, ומחמת הנהגה של שמירה ומניעה יש צורך לתת מרווח בין הטובלות. אולם הרמ"א החמיר שאסורה בתשמיש עד הלילה, אולם בחכמת אדם (ק"י"ח ס"ו) ס"ל דחומרא זו רק היכא דטבלה באיסור בלי אונס אבל כשטבלה בהיתר מחמת אונס מותרת בתשמיש ואינה צריכה להסתיר מבעלה.

<sup>203</sup> עיין סימן נ"ט ס"ג והכרעת הרמ"א דס"ל כדיעה ראשונה דיחיד אומרה וא"צ בניגון וטעמים כקורא בתורה. ובמ"ב הביא שהגר"א ג"כ הסכים להלכה כדיעה ראשונה אולם כדאי להדר לנגן וכך נהגו וכך מסכם הלבוש.

30. When davening alone, there is a special and holy custom to add the words *el melech ne'emon* before reciting the Shema.<sup>204</sup> This is only true if one is fulfilling the *mitzvoh* of Shema during davening. If one needed to recite Shema before davening (e.g., in order not to miss *zman kerias* Shema), then one should not recite *el melech ne'emon* at either recital of Shema.<sup>205</sup>
31. On days when *selichos* are recited, one may recite the inspirational poetry (*piyutim*) but one should not recite the thirteen attributes of Hashem. The Aramaic sections (*machi umasi*) should also not be recited.
32. The set of **יהי רצון** usually recited after *kerias Hatorah* need not be recited. The point of saying it at that time is that one has just fulfilled a great *mitzvoh* of reading the Torah in public. That offers a great merit in that one's prayers are more readily received. Since the Torah was not read, it is as if it is a Sunday or Tuesday in which the **יהי רצון** is not recited since the Torah was not read.<sup>206</sup>
33. Yizkor and *el molei rachamim*, may be recited in your private davening for a deceased relative or friend.<sup>207</sup>
34. Friday night one may say **ויכלו** even if there is no other person reciting it with him.<sup>208</sup> However, the rest of the tefillah until **עלינו** should not be recited (in *nusach* Ashkenaz).

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<sup>204</sup> רמ"א סימן ס"א ס"ג ועיין מ"ב ס"ק י"ד.

<sup>205</sup> דעת תורה ס"א ס"ג ד"ה ויש.

<sup>206</sup> Other examples of prayers after the fulfilment of a mitzvoh are the prayers a woman recites after light Shabbos candles and the added requests added after *birkas hamazon*. (The *gemoro* concludes *bentching* at **אל יחסרנו**. Prayers were added since it is a propitious time for *tefillas* to be answered since one just fulfilled the *mitzvoh* of *birkas hamazon*.)

<sup>207</sup> גשר החיים לא:ב, ושו"ת בצל חכמה ח"ד סימן נ"ג ובמבקשי תורה לזכרון רשז"א בשם ר' אלישיב.

<sup>208</sup> חזו"א או"ח סימן ל"ח סק"י. ע"ע מ"ב רס"ח ס"ק י"ט ובביה"ל ד"ה מעומד.

35. When davening for a critically ill person and it is not known if they are still alive, one should daven for mercy, not for a complete recovery.<sup>209</sup>
36. One may daven on Shabbos for the recovery of a critically ill person. If the person is incapacitated, but there is no risk to limb or life, one should not mention them for healing on Shabbos.<sup>210</sup>
37. It is not required to read the Torah from a Chumash during the appropriate time for *kerias* HaTorah when davening alone.<sup>211</sup> It is advisable to read the *parshah* with your family in English and discuss it.<sup>212</sup>
38. יהי רצון של ברכת החודש should be recited when davening alone. One should find out when Rosh Chodesh is and include that in the *tefillah*. The only part that may be omitted is the announcement of the *molad*.
39. Neither of the two יקום פורקן should be recited nor the following מי שברך.<sup>213</sup>
40. Those that recite a *berochah* on Hallel may do so even when *davening beyichidus*.<sup>214</sup>

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<sup>209</sup> עיין שע"ת או"ח סימן רפ"ח סק"ג ופתי"ש א"ה קמ"א ס"ק ס"ח שאינו נכון להתפלל לרפואה שלימה מן השמים אלא שירחמו עליו מן השמים, ואפילו אם כבר נפטר ג"כ צריך לרחמים כמו שמתפללים מחיה מתים ברחמים רבים.

<sup>210</sup> עיין רפ"ח ס"י.

<sup>211</sup> עיין שו"ת בנין שלמה סימן ל"ה דקריאת התורה הוי חובת הציבור, וכשלא נמצא בצבור, ליכא חיוב על כל יחיד. ופשוט דלא יוצר יד"ח בקריאה מתוך חומש גם אילו היה עליו חיוב כיחיד.

<sup>212</sup> נראה דחלק מענין קריאת התורה הוא חזרה על מה שכתוב בתורה, ולימוד תורה. וכמו שהיו נוהגים להסביר כל קטע לפני הקריאה והעליה. ונראה דחלק זה יוכל לקיים במשפחתו וזמן המתאים לכך הוא בזמן קריאת התורה.

<sup>213</sup> מ"ב סימן ק"א ס"ק י"ט דאין לשאול צרכיו בלשון ארמי. ובסידור דרך החיים של ר' יעקב לוברבוים מליסא כתב דגם אין לומר המי שברך שאחריו.

<sup>214</sup> עיין סימן תכ"ב ס"ב ברמ"א ובמ"ב ס"ק ט"ו ובשעה"צ ס"ק י"ג, דאף שהוא מנהג מ"מ אפשר לברך עליו כמו שנשים מברכות על מ"ע שהז"ג וביום טוב שני של גלויות, ואי"ז ברכה לבטלה. ובעה"ש תכ"ב ס"ח כתב דלא יברך אלא בציבור ולא ביחידות.



41. When singing Hallel, if possible, try to daven together with at least another two people, (male or female) so that the **הודו** can be sung responsively. If that is not possible, Hallel can be sung alone.<sup>215</sup>
42. One may recite **קה קלי וגואלי** on *Shevi'i shel Pesach* without a *minyon*. It was an added prayer to Hashem describing the yearning of the people in the diaspora to return to Eretz Yisroel. It was never a *takonah* (legislation), but rather a heartfelt prayer added by some communities which is as equally appropriate without a *minyon*.
43. One may (and is encouraged) recite *Yizkor* without a *minyon* on *acharon shel Pesach*.

### Naming a Girl

44. Our daughter was born, and I cannot go to shul to name her. What should we do?
- 44.1. It is not necessary to name a girl in shul during the **מי שברך** after an *aliyah*. It is perfectly acceptable to choose a name and start calling your daughter by her name and it will be her name as long as it is used.
- 44.2. Once her name has been established by usage, there is no benefit in “giving her a name” at a **מי שברך** when circumstances allow it. The entire point of giving the name after the *aliyah* is so that she becomes known by that name. Once she is known by that name, the function has been fulfilled.
- 44.3. It is noteworthy that if a name is given after the *aliyah* as is usually done, and the name is not used at all, halachically the designated and unused name never became her true name. The naming ceremony in retrospect was entirely superfluous. (The *berochah* for a speedy recovery to the mother is the only redeeming aspect of the exercise). A *ketubah*

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<sup>215</sup> סימן תכ"ב ס"ב ובביה"ל ובמקור חיים.

or *gett* that uses the Hebrew or Yiddish name of a girl as she was called at the **מי שברך** is invalid if she was never called that name by other people at the time the document was signed. (Even when the Hebrew name was used for a while, if people stopped using it, it is possible that halachically her name has changed). These laws are complex, and this is not meant to be a comprehensive presentation of the subject. Nevertheless, I raise it in order to emphasize the *insignificance* of the naming in shul should the family have begun to actually call her by her name. It is also appropriate to start calling her a name (and not wait for a ceremony in shul) if it is impossible to bless the mother and name the daughter in shul during *kerias* HaTorah.

### **Bris**

45. May the participants on Zoom answer omen when a *berochah* is recited? May a grandfather be given the honor of *birkas asher kidash yedid mibeten*? How about naming the baby?
46. While a *minyon* is preferable, it is not mandatory. The only participants required at a *bris* are the *mohel* and the baby. The berachos should only be recited by those present at the bris itself:

בורא פרי הגפן, ואשר קידש ידיו מבטן עד כורת הברית

However, the *tefillah* and naming:

אלוקינו ואלוקי אבותינו קיים הילד הזה וכו' ויקרא שמו בישראל

May be said by a relative or friend at a different location, connected through Zoom. The naming ceremony doesn't have inherent significance, what is operative is how will the person be referred to. Once the *zeida* overseas has announced what the name is and all will start to call him by

that name, the name will be associated and identify that baby.<sup>216</sup> The *mi sheberach* for the complete healing of the baby and mother can also be recited by someone through Zoom.

### *Chasunoh*

47. A Zeida who is viewing a wedding of a grandchild on Zoom should not recite one of the *sheva berachos*. Only those present should recite the *berachos*. There should always be a *minyon* at a wedding. In the time of the *rishonim*, an edict was made not to create a *kiddushin* without a *minyan*. The bride is also forbidden to her husband until the *birkas nisuin* were made which also requires a *minyon*.<sup>217</sup>

### Burial

48. A person who had made arrangements for burial in Eretz Yisroel and died in *chutz la'aretz*, and cannot be brought to Eretz Yisroel during the pandemic for burial, should be buried in *chutz la'aretz* with the intention that his or her body be transported to Eretz Yisroel when it becomes possible.<sup>218</sup>

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<sup>216</sup> ואף שאומרים הילד הזה ואינו יכול להצביע לילד בפניו, נראה דאין זה בכלל משקר אלא ידוע למי מתכוין וגם אפשר לראותו המסך ושיר הוי בכלל הזה.

<sup>217</sup> אלא שיש לדון בזה ע"פ מה שכתב הב"ש סימן ס"ב סק"ד בדין כלה בלא ברכה אסורה לבעלה אם הכוונה בלא ברכת נישואין, ובלא מנין לא שייך ברכת נישואין, א"ד הכוונה שארוסה אסורה לבעלה עד שתיכנס לחופה, אבל משנכנסה לחופה אף בלא עשרה מותרת לבעלה. ובפתי"ש שם ציין לנו"ב (קמא א"ה סנ"ו) דנוטה כצד השני, ומותרת לבעלה אף בלא ברכה כ"ז שנכנסה לחופה. אולם מ"מ נראה דאף דמדנא דקידושין בעינן עשרה רק לרווחא בעלמא ואין המנין לעיכובא (עיין ס"ס ל"ד), מ"מ כבר תקנו מהראשונים שבעינן לקדש בפני עשרה, וכל שלא קידש בפני עשרה יש מקום לפקפק בקידושין, וכ"ש שאין לעשותו אף בשעת הדחק. והדברים נכתבו בלי עיון הראוי.

<sup>218</sup> עיין יו"ד סימן שס"ג שאסור לפנות את המת מקבר לקבר א"כ פנוהו ע"מ לקברו בא"י או שקברוהו מלכתחילה ע"מ לפנותו. וראוי שבעת הקבורה יתנו במפורש שאינו אלא קבורה זמנית, ויתועד בוידאו או ע"י עדות של רב גדול שכך נעשה, דא"כ יש ח"ק שלא יסכימו להוציאו ממקום מנוחתו.

### *Aveilus*

49. A mourner who will not be attending the funeral remains an *onen* as long as he or she is still involved in informing others (phone, email or WhatsApp) of the funeral ceremony or making arrangements for a Zoom meeting of the funeral. However, once that has been completed and there are no other arrangements needed with the Chevra Kadisha and the *onen* will not be attending the *levayoh* in person, the *aninus* period ends and the mourner may perform *mitzvos*. Even if the *avel* will be viewing the ceremony via Zoom he or she is not involved enough in the burial process to extend the *aninus* period. However, *shiva* and *aveilus* will only begin after the burial.
50. On a year when Erev Pesach is not on Shabbos, were *shiva* to begin before *chatzos* on erev Pesach, it is completed and over at *chatzos*. One should stop *aveilus* practices shortly before *chatzos*. If the burial and *shiva* were after *chatzos*, you will need to discuss your *shiva* requirements with your rav. In the absence of a ruling, I suggest that one begin *aveilus* after *chatzos* until shortly before the *chag* begins. This releases the person from *aveilus* requirements after Pesach.<sup>219</sup>

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<sup>219</sup> נחלקו התוספות ואור זרוע אם ערב פסח לאחר חצות דינו כיו"ט לדחות האבלות. הרמ"א הכריע להקל כאו"ז דהלכה כדברי המיקל באבל, עיין יו"ד שמי"ה. וכשמתחיל האבלות לאחר חצות, לאו"ז צריך לנהוג אבלות לאחר הפסח ולתוס' אפשר לנהוג אבלות עד קצת לפני השקיעה. ונראה דבכה"ג הלכה כדברי המיקל למעט בשבעה ולנהוג כשיטת התוס' דיושב שבעה עד החג בלבד, ואז מתבטל השבעה וא"צ לנהוג אבלות לאחר החג. ונראה דהלכה כדברי המיקל באבל גם לענין יום ראשון שהוא מה"ט דהלכה כדברי המיקל באבל אינו משום הכלל ספק דרבנן להקל.

51. It is advisable for relatives and friends to arrange the first meal after the funeral for the mourners. If that is not possible, the mourner may prepare his own meal.<sup>220</sup>
52. When shiva ends on erev Pesach (when it is during the week), *sheloshim* begins immediately and is completed at *chatzos*. If he shaves regularly, he still should not shave after chatzos erev Pesach.<sup>221</sup>

### ***Kerias HaTorah at Home***

53. The obligation of reading the Torah in shul is a communal, not an individual, obligation. Hence, if you or your shul missed *kerias HaTorah* due to restrictions related to Covid 19, there is no need to read the Torah from a *sefer Torah* or Chumash at home. Even were you to do read from a Torah or Chumash alone, you are not fulfilling the mitzvah. You are encouraged to learn the parshah and read it without *berachos*.<sup>222</sup>

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<sup>220</sup> י"א דטעם המנהג שלא לאכול משלו הוא מניהוג אבלות וי"א הטעם כדי שלא למנוע מאחרים ניהוג אבלים. אם הטעם משום מניעת ניהוג אבלים וידוע שלא יבואו מחמת פחד הירוס, רשאי לעשות משלו. וממה שנקטו הרבה פוסקים שעושים סעודת הבראה בחוה"מ נראה דא"י משום ניהוג אבלות, דאין אבלות בחוה"מ, וממילא כשיודע שלא יכינו לו סעודה מותר לו לעשות בעצמו.

<sup>221</sup> עיין יביע אומר ח"א יו"ד סימן כ"ה דמיקל. אמנם מגדולי הפוסקים וביניהם האג"מ דאף אם נתבטל השלושים מ"מ לא יגלח עד שיעבור 30 יום. עיין מ"ב תקמ"ח ס"ק ל"ד ויש שם ט"ס.

<sup>222</sup> עיין מ"ב קמ"ג ס"ק כ"ט שאין לקרות מס"ת פסול בברכה אפילו בשעת הדחק (ודלא כשיטה המובא ברמ"א שמתיר בכך), דלא כל שעת הדחק כדיעבד דמי. ואע"ג דאם כבר קראו ונמצא פסול א"צ לחזור בדעיבד יצא כמו שכתב הרמב"ם בתשובה בצעירותו, מ"מ אין להקל בשעת הדחק.

והנה בכ"מ ריש פ"י מהלכות ס"ת הביא תשובת הרמב"ם שאפשר לקיים מצות קריאת ס"ת בס"ת פסול. אכן במשנה תורה חזר בו להצריך ס"ת כשר. והכ"מ הביא מרבו המהר"י בי רב דאם נמצא פסול באמצע הקריאה דמוציאים ס"ת כשר וממשיכים דכדאי תשובת הרמב"ם בצעירותו לסמוך עליו בדעיבד.

אולם נראה דגם המקילים לקרות מס"ת פסול (בין בברכה בין שלא בברכה) היינו כשקוראים בציבור, שלדעת הרמב"ם יש בזה קיום מצוה, אבל לקרות ביחיד מחומש הנדפס או אפילו בס"ת כשר, לכו"ע אין בזה קום מצות קרה"ת, ולא ירויח בזה כלום, מלבד ת"ת.

54. It is important to review of the *parshob* (twice) with a translation or commentary. The legislation for such learning was established particularly for those unable to go to shul. It is still required and is strongly recommended.<sup>223</sup>

### Kerias HaTorah when Shul Starts Again

55. When the restrictions are over, do we need to make up the Torah readings missed?

55.1. When the majority of a community has missed one or more *parshios* due a power beyond their control (אונס), when resumption of the shul activities begins again, it is best if the *baal korei* were to read the Torah from the place in which the community last read. The *baal korei* should read the first *aliyah* (כהן) all the way until *sheni* of the *parshas hashavua*. This way all seven *aliyos* are read from the *parshas hashavua* and the law to complete the entire Chumash once a year in *kerias HaTorah* is also fulfilled.<sup>224</sup> Parshas Hachodesh need not be read if missed in Adar. This is not a requirement, it is a recommendation. If

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ומה שכתוב במ"ב קמ"ג סק"ט דכשאינן ס"ת בישוב, נכון לקרות מתוך החומשים בלא ברכה שלא תשתכח תורת קריאה, והוא ממג"א וש"א, נראה דלא שייך בנד"ד, דהתם עכ"פ איכא מנין וחסר הס"ת, ויש להזכיר הדבר שיש חיוב בציבור, אבל כשאין ציבור, ליכא ענין לעשות זכר, דרך כשיש חיוב דרמיא עליהו רק אנוסים שאין להם ס"ת, משא"כ אצלנו שליכא חיוב בכלל.

<sup>223</sup> לשון הגמרא בברכות (ח.) ישרים פרשיותיו עם הצבור, ויש להעלות על הדעת שבזמן שאין הצבור קורא בביהכ"נ ליכא חיוב או מצוה של שמו"ת, אכן נראה דאדרבה, עיקר תקנת שנים מקרא ואחד תרגום נועד עבור יחיד הגר בכפר שאין שם מנין לקרות בתורה, עיין הגה"מ ספ"י מהלכות תפילה.

As a youth, I recall keeping many Shabbosos in Santa Barbara, California at the home of Dr. Yehuda and Mrs. Chaya Eisner. There was no *minyon* available. We all davened *shacharis* and *mussaf* together and subsequently spent hours learning the *parshob* together, verse by verse. Everyone contributed and the discussions were memorable. It was an incredible Shabbos experience. I recommend following that pattern. It would be even more enhanced, were some members prepare sections in advance.

<sup>224</sup> עיין סימן קל"ה ס"ב ובביה"ל ד"ה אם ובמ"ב ס"ק ה-ח.

too much was missed, it need not be read. The community may start from the *parshas hashavua*.

### Medical Ethics

#### Triage

56. Allocation of scarce resources is a universal medical ethics dilemma. Hospitals around the world are dealing with this issue on a daily basis. While this is a topic for a much larger discussion, decisions need to be made and a Torah personality needs to know how to best conduct himself according to halachic principles.
57. When there is one respirator available and two existing patients are candidates for it, preference should be given to the person who has the best chance of recovery.<sup>225</sup>
58. If an older patient with Covid 19 has been connected to a respirator and a patient enters that is younger and has a better chance of recovery, it is forbidden to remove the respirator to use on the younger and healthier patient as this would be an act causing the deterioration of the first patient.<sup>226</sup>
59. If the elderly patient enters the hospital during the pandemic and it is known that many other patients will arrive shortly that have a better chance of survival, it should be viewed as if both patients arrived simultaneously and the respirator may be put aside for use on a patient that is younger and healthier and has a better chance of recovery, despite

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<sup>225</sup> עין נשמת אברהם יו"ד סימן רנ"ב אות ב. וטעמא דמילתא אין דוחין ודאי מפני ספק. עיין עוד במ"ב סימן של"ד ס"ק ס"ח דכשצריך להחליט בין הצלת בריא או מסוכן יש להעדיף הבריא.

<sup>226</sup> אין דוחין נפש מפני נפש. וכע"ז כתב באג"מ חו"מ ח"ב סימן עג:ב. והתם מיירי דמי שמחובר הוא רק חיי שעה, ובכ"ז אין לנתקו עבור מי שיחיה ע"ז לחיי עולם.

the fact that he or she has not yet come to the hospital. The first, elder patient, should not be connected to the respirator.<sup>227</sup>

<sup>227</sup> כן נראה ממש"כ החזו"א (אהלות כב:לב) לפרש דברי הנו"ב בענין ניתוח מתים. דעת הנו"ב (מהדו"ת יו"ד סימן ר"י) וח"ס (יו"ד של"ו) העלו דאסור לנתח מתים לברר ממה מת כדי להציל אחרים בעתיד ויש כשיש מת קמן רשאי משום פיקוח נפש. אבל בדליכא קמן חולה אסור כמו שאין עושים כלי זיין בשבת בשעת שלום. וע"ז ביאר החזו"א שאין החילוק בין איתא קמן לליתא קמן אלא אם מצוי הדבר (בסגול סגול כלומר מגפה), אף שאין חולה קמן בשעה זו דינו כמו שיש חולה קמן כיון שבדאי יבא. ונראה דה"ה בנד"ד הוי כחולה קמן כיון שיש וירוס המהלכת ופוגע באנשים, וידוע שיכנסו לבית החולים אנשים שצריכים את המכשיר, ולכן רשאי שלא להשתמש בו לחולה שלפנינו שיש לו סיכויים קלושים יותר להצלה.

אלא שראיתי בספר של שיעורי רופאים מר' זילברשטיין ח"ג עמוד 93 שחולק ע"ז. והוא העלה לחלק דעד כאן לא התיר החזו"א כאילו איתא חולה קמן אלא לענין מצות פיקוח נפש להתיר איסורי תורה כגון חילול שבת או ניתוחי מתים, אבל מי יימר דנחשיב כאילו חולה קמן למנוע מהצלת נפשות העומדת לפנינו כעת, והרי מצות לא תעמד על דם רעך שונה מדין וחי בהם.

וביאר דבריו, דמצאנו חילוק גדול בין מצות וחי בהם ללא תעמוד, ואולי גם בדין הזה יש לחלק. למשל, הגדרת סכנה המתירה לעבור איסורי תורה הוא אפילו בספק ספיקא כמבואר ביומא פה, וכבר כתב המ"מ דמותר לחלל שבת ליולדת אף שהתמותה היא אחד לאלף, משא"כ לענין חיוב לא תעמוד חייב להכניס את עצמו לסכנה להציל אחרים גם שדרגת הסיכון למציל הוא יותר מזה כמבואר ברדב"ז והפוסקים. וע"כ הטעם הוא משום דאין זה רק ענין של מניעת קיום מצוה אלא יש כאן מעלת הצלת נפשות ולכן חייב לסכן את עצמו ביותר. וא"כ אפשר דה"ה לגבי החידוש דכל שידוע שיבא מתירים איסורי תורה אבל לא נפטור אותו מחמת זה ממצוה של הצלת נפשות העומד ממש בפניו וחייב בה, לעומת חולה שעומד לבא שאינו נמצא בפניו. ומי יתיר לו למנוע הצלת החולה קמן בגלל הצלת חולה וירטואלי שעוד לא הגיע ועוד לא התחייב בו. ולכן מסקנתו, שישתמש במכשיר הנשמה בחולה של חי שעה או סיכויים קלושים ולא ימתין עד שיבא חולה אחר שאפשר להצילו חי עולם או עם סיכויי הצלחה יותר גבוהים.

אולם נראה בכ"ז לקיים מה שכתבנו למעלה, דהרי אסור לעבור שום איסור אם שיש פיקו"נ כעת ממש, ומחדש החזו"א מה שידוע שיבא הוי כחולה בפניו. וכלפי ההגדרה ש"לפנינו", גם לגבי מצות לא תעמד דינו כלפנינו, וממילא ליכא חיוב לטפל בראשון אלא להשאירו לחולה השני "הנמצא בפנינו" באופן וירטואלי.

וסמך לכך נראה לי מציטוט שהוא כתב בשם ר' אלישיב זצ"ל באותו ספר עמוד 62 שדן שם ברופא צבאי הנמצא בשטח מלחמה, ויש פצוע קשה שצריך להגיע לבית חולים, והרופא שואל האם ללוותו או להשאר עם שאר החיילים בעת המלחמה. והשיב שישאר עם החיילים ולא ילך עם הפצוע קשה. ונתן כמה סברות לכך. הראשון הוא ששאר החיילים דינם כחולה לפנינו ואע"פ שכולם עדיין בריאים, אבל בשעת מלחמה כולם בחזקת סכנה ולא רק חולה קשה זו. הרי דר' אלישיב משתמש בסברת החזו"א דכחולה בפנינו לא רק לענין דחיית איסורי תורה אלא גם לענין הצלת נפשות, ולא אמרין דחידוש "חולה בפנינו" שונה לענין לא תעמד, והנלע"ד כתבתי.



60. When two people arrive for care and it is unknown who has the best chance of recovery, a decision should be made based upon the benefit to the community. Which patient is more needed by the public? That is also the same criterion used when deciding based upon chances of recovery.<sup>228</sup>
61. Should a respirator be connected to an elderly person and in hindsight it is realized that it was an error as many younger patients streamed into the hospital that could have used that scarce resource, although it is forbidden to remove the first patient from the respirator as mentioned, nevertheless, further treatment and priority can be given to the younger patients when there is a crisis and not enough staff or further resources. A DNR can be placed on the patient with the respirator. With regard to further treatment, it is as if both patients arrived simultaneously and it is appropriate to prioritize the younger and healthier patients. Care must be taken to avoid any action that would cause the first patient to deteriorate. The recommendation is only for withholding of treatment and passively allowing the first patient to succumb to his condition. For further clarity, I emphasize that this only when there is limited resources or staff and a decision of triage needs to be made. Otherwise, all care should be put into

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<sup>228</sup> עיין אג"מ חו"מ ח"ב סימן ע"ד שקשה לעשות מעשה ע"פ כללי המשנה בלי עיון גדול, שאיש קודם לאשה וכדומה ע"פ הוריות י"ג סדר הקדימות בהצלת נפשות. ועיין גר"א יו"ד רנ"א ס"ק י"ח שהביא מירושלמי שהסדרן קודם לפלפלן. ואפשר דה"ט שהדבר המכריע הוא מי הציבור צריכים לו יותר, וא"כ יתכן שזה גרם הקושי לר' משה לקבוע הדברים ע"פ המשנה כפשוטו, שאפשר בזמנם היה יותר ריוח לציבור בחיי איש מחיי אשה, והיום נשתנה המצב ולפעמים יש נשים שתורתן גדולה יותר מגברים, והרבים צריכים להם יותר מגבר מסוים, וא"א ללכת לאחר פשוטן של הדברים אלא לאחר הכלל העומד מאחורי דברי המשנה.

והנה במסכת הוריות (יג.) מבואר שהמקודש מחבירו קודם להצילו, מלך קודם לכהן גדול, אולם אם טובעים סגן כה"ג וכהן משוח מלחמה מצילים המשוח מלחמה אע"ג שהסגן מקודש יותר. והטעם מבואר בתוס' הרא"ש משום שחיי ישראל תלויים בו והוא נצרך יותר. ובפירוש המשנה לרמב"ם בסוף הוריות הוסיף דהטעם שחכם קודם למלך שתועלתו לאומה גדולה יותר מתועלת המלך עכ"ד. הרי אף דיש דרגות של קדושה, אמנם התועלת לציבור היא קובעת יותר מדרגת הקדושה. ולכן קשה מאוד היום להכריע בדברים כאלו וללכת אחרי דרגות קדושה.

all patients that have a chance of recovery. The same principle applies when both patients have equal chance of recovery and there is limited resources or staff, a decision should be made based upon the value each patient appears to have towards benefitting society. The question may be asked and answered, who does the community need alive more?

62. If the hospital has one respirator for four patients, the medical staff may use their judgment to decide to use the same respirator for all four patients. Although the same air is being circulated among all four patients and their level of disease may not be identical, the doctors do not need to be concerned about manslaughter and causing a premature death to one of the patients. The gemoro teaches that physician has license to heal despite the fact that he may perform an action that is harmful. Once he is trained and licensed, he or she is authorized and required to use their knowledge and skill to the best of their capabilities to save lives. Medical care moves forward all the time and we are constantly learning new techniques and realize mistakes that had been made. Still, each team of doctors or individual physician is expected to use their best medical judgment as to what is appropriate under the given circumstance. If a decision is made to attempt to save four patients, it is an appropriate action despite the fact that one patient may worsen due to the chosen treatment.<sup>229</sup>

63.

### **Coronavirus Patients and Shabbos**

Patients that begin to recover in the hospital are discharged to complete their recovery at home. It is important for family members to answer the phone on Shabbos to find out if their relative or friend needs to be collected from the hospital. It is important for his care and the safety of others. Public

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<sup>229</sup> הארכת בזה בכתבים ובשיעורים שלי ומבוסס על דברי הרמב"ן בתורת האדם, ודברי השו"ע ונ"כ ביו"ד סימן של"ו.

transportation, taxis or Ubers are not functioning in many places. A healthy person should not remain in the hospital over Shabbos in case he is needed on Shabbos for a discharge. Hospitals are focal points of the disease and should be avoided as much as possible.

It is necessary and imperative that upon hearing that a family member has been discharged, to drive a car on Shabbos to fetch the discharged patient.

Normally starting a car on Shabbos is a Torah violation. In this case it is a *mitzvah*. Still, one should minimize the Torah violation as much as possible and start the car with a *shinui*, an uncommon or strange way. This lowers the violation to a *derobonan*. Use your left hand to put the key in the ignition and turn with your left hand. Press the start button with your knuckle instead of the tip of your finger.

When turning off the engine, one should also use a *shinui*. It is permissible to turn off the engine even upon arrival at home even if the patient is not in danger.<sup>230</sup>

64.

### Isolation and Mental Health

Many people will need to be in isolation for weeks and over the Pesach Yom Tov. The Gemoro teaches that despite the concern of anxiety, panic and fear engendered by ordering everyone to stay indoors, during an epidemic the risk is still greater to wander outside and mix with people.<sup>231</sup> However, if a person

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<sup>230</sup> כיבוי מנוע אינו איסור תורה אלא מדרבנן שאינו מכבה הניצוצות אלא גורם שהניצוצות לא יתחדשו (שש"כ מ: קכ"ט) בשם רש"א. וממילא יש להתיר משום התירו סופן משום תחילתן, ועוד יש להתיר בשינוי כמבואר בסימן רס"ו דבמקום הפסד וצורך גדול מאוד יש להתיר שינוי באיסור דרבנן. ועוד יש חשש שיכנסו לרכב קטנים או סכנה אחרת יתהווה אם ישאר דלוק.

<sup>231</sup> ב"ק ס: וכי תימא ה"מ דליכא אימה מגואי אבל היכא דאיכא אימה מגואי כי נפיק יתיב ביני אינשי בצוותא בעלמא טפי מעלי ת"ש מחוץ תשכל חרב ומחדרים אימה אע"ג דמחדרים אימה מחוץ תשכל חרב ע"כ.

has a known history of mental illness or depression and a responsible medical opinion believes that were that person to be all alone without personal interaction with friends and family he might be susceptible to harming himself or others, family members should violate Shabbos and Yom Tov and call that person, or WhatsApp. It is advisable to purchase a Zoom account and keep it open the entire time so that the family can interact with each other. It is important to regularly check on his state of mind.

This year when Yom Tov is Sunday and Monday and follows a Shabbos, it is important to ask the physician of the isolated person whether there is concern that the person's condition may worsen over the 72-hour period. If it might worsen, then the precautions above should be taken.<sup>232</sup>

64.1. When there is no concern of mental illness, but the anxiety and loneliness is painful, family members in Eretz Yisroel may contact a non-Jewish home-care provider in the diaspora, on WhatsApp on the second day of Yom Tov, to chat with the non-Jew and let him or her know that the family in Israel is well and concerned about their relative in RSA, USA, UK or wherever. It is permissible for the non-Jewish caretaker to show the patient the phone with the smiling family from Israel.

64.2. If there is no concern of mental illness or depression, but he friend or relative will be in great anguish and miserable due to the isolation, despite the suffering endured, Shabbos and Yom Tov should be respected and revered, and no violation should take place. Zoom, smartphones and all forms of communication using electrical equipment should not be used.

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<sup>232</sup> עיין אג"מ א"ה ח"א סימן ס"ה ששגועון דינו כסכנת נפשות כשיש חשש סכנה שיפול בנהר או יפול וימות. ובשם ר' חיים אמרו שאף כשאין חשש מיתה מנפילה וכדומה עצם השגועון הוא מחלה של סכנת נפשות.

64.3. Using Zoom for the Seder is forbidden as the parties are interested to see each other and have their picture appear on the screen of the other participants. That is a form of writing which is forbidden *mederabonon*.<sup>233</sup>

64.4. Parents who demand of their children to join them for the Seder, are acting against the Torah if the government and responsible public health officials have determined that it is forbidden and a danger. The children are not in violation of disobeying their parents and are not required to go on account of the specific request or demand of their parents. Baruch Hashem, this year in many places such isolation is not required.

### **Endangering a Relative to Save Others**

65. A PA, nurse or physician who generally works in the emergency room and comes in daily contact with Covid 19 patients and takes appropriate precautions should refrain from such activity if they have an immunosuppressed relative living with them at home. It is extremely difficult to properly avoid being a carrier of the disease and since it may put someone in your nuclear family at great risk, it is appropriate to allow others to do the holy work of your profession.

65.1. While it is noble to put yourself at minor risk in order to save others that are at great risk, however, when your involvement in the *mitzvah* of life-saving care puts your child or other loved one at great risk (especially without their consent), it is irresponsible and should be avoided. Such a situation may be (depending on the specifics of the circumstance) a violation of **לא תשים דמים בביתך** which demands of

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<sup>233</sup> הצר צורה חייב משום כותב. אולם הכא לא הוי של קיימא ואינו מה"ת אבל עדיין אסור מדרבנן. והוא דבר שכל אחד מן האנשים עושים בעצמם ולא שייך שבות דשבות במקום מצוה.

us to remove all obstacles that may cause harm to others (עיין רמב"ם (רוצח י"א:ד).

### Pesach

#### Fasting Erev Pesach

66. I am a first born. If there won't be minyanim for me to join in a *siyum* *erev Pesach* should I fast? Is there another solution for me to partake in a *siyum*?

66.1. The fast of the first-borns on *erev Pesach* (or on the 13<sup>th</sup> of Nisson when the 14<sup>th</sup> is Shabbos) is often bypassed by partaking in a *siyum*. One may make his own *siyum* without a *minyan* and eat. One may listen to a *siyum* through a virtual participation (Zoom, WhatsApp, phone etc.) The entire basis for the fast is not well established in *halachah*. Normally during Nisson, it is forbidden to fast. Furthermore, the reason to avoid communal gatherings and shul attendance is due to a concern of transmission of the virus. It is imperative to be as strong and healthy as possible. When there is concern that the fast will put you at greater risk and susceptible to the virus, one should not fast. However, it seems that Covid 19 is a respiratory disease and fasting is not much of a factor in susceptibility. Therefore, one who does not go to a *siyum* may fast during Covid 19.

66.2. A person who normally fasts on a *yom tzitzit* and is concerned that the fast may aggravate their susceptibility to the virus, should annul his *neder* with a *talmid chochom* familiar with the process of annulments of *nedorim*. It is possible to annul a *neder* that a single person made. However, a vow made by a community cannot be annulled. However, if it is a temporary stay on the vow due to a specialized circumstance, the *Dagul Mervovah* in the Laws of

Nedorim rules that one does not need to annul the *neder*. It is obvious that the community never meant to keep the vow in extreme situations. (This logic can be used with regard to customs on Pesach, such as *gebrochtz* and *kitniyos*.) The application to this law is dependent on the virulence of Covid in your location and whether eating well will make a difference in prevention. This year, it does not seem that it eating *kitniyos*, *gebrochtz* or refraining from fasting is going to make enough of a difference to allow them despite that the world is not yet out of Covid 19.

### **Mechiras Chometz**

67. I usually go to the Rav to sell my chometz and shake hands and lift an item of his as a *kinyan*. This year I don't want to (or shouldn't) leave the house. What should I do?

67.1. In order to appoint the Rav your agent to sell your chometz, you need not leave your home. You can appoint the Rav your agent online or by phone. Kollel Yad Shaul has a form online for you to fill out and it will be arranged from the comfort and safety of your home. [www.kollelyadshaul.co.za](http://www.kollelyadshaul.co.za)

68. I have chometz in my office and in my second home. I am unable to access it. Can I still sell it? Can the non-Jew buy it?

68.1. You may include that chometz in the sale through the Rav. The only time you cannot sell property because it is not considered in your domain is if it is stolen. If you know where it is and it is inaccessible it still remains yours and you have the authority to sell it. The buyer is also able to buy the chometz despite the fact that he is unable to reach it immediately. The sale is meant to be final and complete and to remain the non-Jews forever. He will be able to use it eventually. He can choose to buy it to consume or as an investment. He can also contact someone else to collect it on his behalf.

69. I ordered a product that is chometz and it hasn't yet arrived. It will likely arrive at my home on Pesach. Is it included in the sale? What should I do with it?

69.1. If you had intention not to acquire the item at the time of transaction in anticipation that it may not arrive on time it never became yours. If, however, you intended to acquire it when the transaction was completed and according to secular law it became yours, you will need to include it the sale of chometz to the non-Jew. It is not necessary to know the exact location of the item. The wording of the sale of chometz includes your chometz wherever it may be. As mentioned earlier, you are the rightful owner and have authority to effectuate its sale. A *pikadon* in the hands of the *nifkad* is still owned by the *mafkid* and he may sell it to others. Once it arrives, it belongs to the non-Jew as it has been sold and it should be put in the cabinet with other items that were sold to the non-Jew.

### Stocking Up on Chometz

70. I am concerned that the situation will worsen, and there won't be food available after Pesach. Normally I don't own any chometz on Pesach and sell through the *rav* as a precaution. May I stock up now and sell real chometz this year?

70.1. It is commendable that you avoid retaining any *chometz* in your home during Pesach. This is what the Torah asks of us and how the Mishnoh Beruroh recommends we prepare for Pesach.<sup>234</sup> You should

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<sup>234</sup> עיין סימן תמ"ח ס"ג דהמחבר מחייב שכל החמץ יהיה מחוץ לביתו. במ"ב ס"ק י"ב מיקל בזה שרשאי להחזיק החמץ בביתו אולם מחייב שהגוי קנה במשיכה. האידנא מקילים יותר ומקנים לנכרי בקניינים אחרים. הארכת בזה במסמכים ובקונטרס שאני מוציא לקראת פסח. עכ"פ מי שלא מחזיק חמץ בביתו תבא עליו ברכה, ואשרי לו שמקיים רצון ד' כתיקונו בלי לסמוך על היתרים שנתנו בשעת הדחק.



maintain that behavior and avoid housing any chometz in your home over Pesach. Only five grains can become *chometz*. There is plenty of other food available. If you wish to stockpile food, purchase rice, *kitniyos*, canned foods, seeds, corn and more. By looking at the list of *kitniyos* in the Pesach Guide I publish, you will surely find foods that you can eat (before and after Pesach) that are not made of the five grains.

71.

### **Destroying Chometz Before Pesach**

Often people gather together erev Pesach in the morning and burn their chometz in a bonfire. This year, 5781, it is not advisable as it unnecessarily draws crowds together. There is no halachic directive or advantage to burning the chometz together. It can be done in the privacy of your own yard. However, it is likely that the behavior developed due to safety concerns and small fires may not properly burn the chometz the chometz may remain edible on the inside. Either make your own fire in a safe way, ensure that it burns well or pour bleach on the food and throw out with trash or break it into small pieces and flush down the toilet. It is not necessary to burn the chometz. Flushing chometz in the toilet is a great way to rid of chometz that you own on Shabbos erev Pesach. Make sure to crumble it enough so that it won't clog the plumbing.

72.

### ***Kitniyos***

Normally one who is ill does not need to be concerned about avoiding kitniyos on Pesach, as written earlier in this booklet. It does not need to reach the level of *חולה שאין בו סכנה*, an incapacitated illness, as long as the person is weaker and needs treatment, he or she may consume *kitniyos* on Pesach.

During the coronavirus period, we all need to maintain our health, diet and behaviors to be as fit as possible. If you have pills that are made of *kitniyos*, you may take them. Unflavored pills, are permissible, even if they are made of chometz or are *treif*, as addressed earlier. However, even if they are flavored, if they are kosher and have no chometz but contain *kitniyos*, you may consume them on Pesach. *Kitniyos* is a custom, not *miderabonon*, and the custom is waived under conditions where there is a valid medical benefit. The reason one is taking the pills is in order to avoid becoming incapacitated; that is enough of a valid reason. If you live in an area where the people are vaccinated, recovering or the pandemic has waned considerably, and people are not concerned, you have no license to take flavored *kitniyos*.

73.

### Kashering a Dishwasher

Normally I recommend not to kasher a dishwasher for Pesach. However, this year if you have an exceptional challenge and will not have a maid or other extenuating circumstance, it may be a *sha'as hadchak*. In such circumstances, it is permissible to *kasher* a dishwasher for Pesach. The inside walls need to be stainless steel and not ceramic or porcelain. It is acceptable if there are other materials in the metal, as long as a majority of the material is metal. If the racks are metal and plastic, it can be kashered for Pesach.

Wait 24 hours since it was last used, run the empty dishwasher at the hottest temperature on a full cycle without dishwashing soap or detergent. If it is not an extenuating circumstance, you should not kasher the dishwasher.

74.

### Kashering Plastic

75. This year, 5781, in Johannesburg one may kasher plastic and use the equipment for Pesach. In my opinion, in Eretz Yisroel you should not kasher plastic for Pesach.

76.

**If the Pandemic is the Will of Hashem, What Should we Daven For?**

### **Bitachon**

#### **Question:**

If we accept the virus as the will of Hashem should we refrain from davening to stop the plague?

#### **Answer:**

Davening to remove the plague is a legitimate *tefillah*.

It is appropriate to identify your concerns, your fears, your wishes and ask Hashem to grant them. It is appropriate to daven to Hashem to protect your family and loved ones, to allow you to travel again, to help you return to your previous lifestyle, to learn Torah and daven with a *minyan*, to help your children (and yourself) avoid negative influences available on the internet, to help your livelihood (*parnassah*), your marriage, your family relationships, to stop the deaths, to grant freedom of movement, to allow me to exercise or relieve some personal or national distress. Any pressure that you feel needs to be relieved is a cause for *tefillah*. Hashem knows that we think we know what is good for us and wants us to turn to Hashem for relief. Hashem knows what is good for us and does what is good for us, but still wants us to ask for our needs. He doesn't ask us to daven to inform Him of our request since He is so busy that He would not otherwise be aware of your needs. He wants us to daven in order that we maintain a close relationship of dependence on Hashem.

That sense of reliance and feeling of incapacity to solve our own problems is a way to reach appropriate closeness to Hashem. It is a great tool to attain the pleasure of *olam haba*. So do **not** refrain from asking Hashem for salvation

from the *tzoros* of the world and your personal needs. That is one of the major benefits of the *tzoros* and this universal event.

However, one need not panic and feel despair, doom and worry that he or she is in an unstable environment that is subject to any type of senseless pain.

It is helpful to work on the fundamentals of our religion at this time. Clarity will help in properly dealing with the situation. Here is a reminder of some simple and well-known fundamentals of *Yiddishkeit*.

1. Our belief is that Hashem has always had a single plan for humanity, and that the world was created in order to execute that single plan. The plan is (presently) focused on the Jewish people who are now meant to be the recipients of the full gift of goodness from Hashem (after the sin of Odom and Chava). That plan, is to bring all Jews into our land to live out the wonderful life of spirituality and physical blessings. Hashem has always been nurturing, guiding and developing that goal every century, decade, year and minute. We believe that Hashem is keeping his eye on that goal in a singular way and has never been distracted from it.
2. We believe that Hashem has absolute and complete control to carry out this mission and there is no force that can counter it. Any evil force is a creation of Hashem necessary to be used in the service of this same plan.
3. Once a person knows this, he is aware that Hashem is keeping His eye on every Jew. Not necessarily as it pertains to the personal issues of each person, but certainly as it pertains to the goal of creation and Hashem's plan for the world.
4. Once a person comes to such an awareness, he or she can ask themselves "is it conceivable that my condition can be any better than it already is judging from the perspective of Hashem's master plan?" Hashem is doing that which is necessary in order that I, you, and each Jew in the world, can reach his or her highest level of perfection and pleasure. Each Jew is part of Hashem's promise that "I will be a G-d for you and your descendants

after you”. Since we are part of that covenant, you can be sure that the course your life is taking is the very best way for you to reach that covetous attainment.

5. This is a unique type of *hashgochah*. Hashem is aware, is in control, is directing and guiding all powers of the world, in a unified way to reach His ultimate goal. Awareness of these truths should build one’s heart with the strength and confidence that we are in good hands, the best hands, and it is all for our own benefit to attain the greatest pleasure in the World to Come. Hashem’s essence of being good, means bestowing the best possible good on to His creatures.
6. Without properly understanding these fundamentals, it is impossible to reach proper trust in Hashem. It is false to trust that all will turn out good (according to our definition of good). Whoever speaks that way may sound very religious, but they are not. A faulty understanding of Judaism cannot lead to a healthy relationship with Hashem. After understanding the principles described in Derech Hashem (section 1 and 2), one can be relaxed, tranquil and at peace with the surrounding world, whatever may transpire. It may be a harsh, difficult and painful experience, but to the degree that you believe that we are part of the Hashem’s project, you know that this is the right journey.
7. The calmness derives from the confidence that Hashem has no other interest in the world other than bringing each and every Jew to their maximum level of pleasure and that there is no force that can challenge Hashem’s will. He has every imaginable force at His disposal to realize His goal. He has started the mission and will surely complete it. Confidence in that belief gives rise to a healthy and promising expectation and true security.
8. With this knowledge and feeling in the heart, one can see, experience and weather conditions that are not according to your expectations or

perception of what should be. You know deep down that you are under control and protection of the master planner. You will know that it is impossible for there to be a better plan than the one being presented.

9. This conviction does not preclude the appropriate behavior of davening for your salvation according to your perceived needs. That is what Hashem is asking us to do in order to nurture the dependence. It does not preclude acting in a way that is proper *hishtadlus*, appropriate measures, in order to handle events as they develop. Dealing with emerging challenges in an intelligent and practical manner is the responsibility of every Jew in his or her attempt to merit the closeness to Hashem. Failing to do that, is a serious disruption of *avodas Hashem*.
10. The delicate balance demanded of us is to daven to Hashem for what we think is good for us. To act with common sense and according to halachic guidelines as if the solution is dependent upon our actions and strategy. At the same time refrain from being certain that we have the best plan and that the escape route needs to happen the way we think it should. Do what you can but know in your heart that you are in Hashem's hands and He is testing us to see how we behave. If we behave correctly (e.g., turning to Him and following *halochah*), we then become filled with the spirit of Hashem and merit being as similar to Hashem as possible in goodness and thereby deserving of *olam haba*.

Dealing with these theological themes is an important part of our growth in these *ikvoso demishicho*.

265.

### Hallel the night of the Seder

Hopefully, you will be able to daven maariv in shul with a minyan. If not, the night of the Seder should begin with *maariv* by the men who will join together for the Seder. After davening *maariv* at home the night of the Seder, no Hallel should be recited. This is true even if there is a *minyon* of people at home for the *tefillah* since all of those men will be reciting Hallel together during the Seder. The custom of Hallel after davening maariv the night of the Seder is only for a *tzibbur* and only when there is more publicity of the miracles that took place that night millennia ago. If there is a *minyon* which is made up of more than one family and not all of those at the *minyon* will be at the same Seder, then the normal custom of Hallel should be followed.<sup>235</sup>

266.

### Tefillas Tal

Try to attend shul in a safe way on Pesach morning. If you will be davening alone at home, one should include in his *tefillah* מוריד הטל when davening *mussaf* on the first day of Pesach. The announcement made in shul in advance of the davening, has great halachic significance. One shouldn't be switching the nusach of davening privately. One needs communal permission to do so and the gabbai's announcement gives license to all to switch the formulation of our *tefillah*. The poetry (*piyyut*) normally said, is meant to be recited in a *minyon* and not privately. It may be said before *shemone esrei* (and certainly not during *shemone esrei*), but even if recited privately does not offer the license to change

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<sup>235</sup> עיין ס"ס תפ"ז ס"ד, והיינו רק בציבור, אבל ביחידות לא שייך מקום למנהג כמש"כ הגר"א תרע"א ס"ק כ"א ובתפ"ז. והארכתי בכ"ז בקונטרס בענין הלל בליל בסדר בביהכ"נ, ושם באתי למסקנה שבמקום שאין מנהג קבוע ובאים לחדש מנהג כמו שעשינו בהקמת ביה"מ שבטי ישרון ברמת בית שמש בשנת תשס"ג, יש לנהוג לומר הלל בציבור ורק החזן יברך ושאר העם ישמעו הברכה ויענו אמן.

the *nusach* of davening. In the situation we find ourselves this year 5781, where there will be many *minyonim* davening in South Africa and around the world, permission by the communities will be given to switch the nusach. However, even if you are in a place that very few people daven with a minyan, one does not need to say the prologue to mussaf, and still may start reciting *morid batal* during *mussaf*. Under the circumstances, it would seem that all communities (even if they don't gather as a minyan) authorize everyone to change the *nusach*. This seems true even if your community and shul has not made a formal announcement.<sup>236</sup>

267.

### ***Shir Hashirim* During Chol Hamoed**

Hopefully we will all be in shul for Shir Hashirim. However, those that will not be going to shul on Shabbos Chol Hamoed Pesach or *Shevi'i shel Pesach* and will be davening alone, should not include the recitation of *Shir Hashirim*. It is a custom that does not devolve on the individual, but rather on the *minyan* of ten gathered for *tefillah*. Even though it is a beautiful custom and the reasons it was instituted may resonate with many people, in my opinion, it is inappropriate to conduct oneself with a ceremony, however meaningful, that is void of substance. Once it loses its status as a *minhag*, the behavior becomes a personal ceremony. Jewish people should avoid falling into the trap of incorporating behaviors that they appreciate into their lives as religious expression. All of our behaviors should be well grounded in *halachah*. *Minhag*, Jewish custom, as a branch of *halachah* is a significant part of what Hashem expects of us. Once it loses its significance as a halachically oriented behavior and becomes a personal expression of religious devotion, regardless of how

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<sup>236</sup> עיין תוס' תענית ג': ד"ה בימות החמה שהביא ירושלמי שבימות הגשמים אם אמר מוריד הטל במקום משיב הרוח א"צ לחזור, ולכן אף אם מעיקר הדין חייבים להמשך במשיב הרוח יוצא בדיעבד במה שהזכיר מוריד הטל. וממילא לאחר שכולם אמרו מוריד הטל נראה דזה גופא הוי כהכרזה.



inspirational it may be, we lose touch with acting as servants of Hashem doing His bidding, and begin acting as a free agent finding serenity and personal fulfillment in an individualistic spiritual experience. That is not an authentic Jewish relationship with Hashem.<sup>237</sup> This is at the root of the mistake of the Jews when they sinned with the Golden Calf.

In practice, I recommend that one learn **שיר השירים**. I have found the Artscroll English translation to be excellent. However, one should not feel compelled to *lein* it as if one fulfilling the *keriah* of the day. This is not a violation of any specific prohibition and is merely a matter of sensitivities. If you wish, you may do so.

268.

### Haircuts During Chol Hamoed and *Sefiroh*

In many areas haircuts are now permissible. However, if you are in a location where it is not possible to get a haircut now and will only become available during *chol hamoed*, it would be permissible to go to the barber or hairdresser during *chol hamoed*. Halochah generally forbids haircuts during *chol hamoed*. There is, however, an allowance for someone who was unable to do so in

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<sup>237</sup> מקשים העולם מ"ט חיישינן לשמא יעבירו ד' אמות בשופר לולב ומגילה ולא בקריאת התורה והפטורות בכל שבת, ובמגילת קהלת ושיר השירים בשבת חוה"מ, וידוע בשם הגר"א לחלק בין חובת ציבור לחובת יחיד, דהיכא דמוטל הענין על הציבור, לא חיישינן (דכל אחד יזכיר חבירו שלא לחלל שבת) ורק היכא דהחובה מוטל על כל יחיד, חיישינן. ודקדק מלשון המשנה הכל חייבין במקרא מגילה, דמשמע דהוא חובת יחיד.

אלא שכ"ז סבה מדוע אינו **חייב** לקרותו ביחידות, אבל מי שרוצה לנהוג הדבר מחמת כל הטעמים הטובים שבעבורו נקבע המנהג בציבור ישראל, מדוע יש להמנע מזה והלא לכאורה יעשה בזה נחת רוח לבוראו ובודאי הוא עצמו יתעלה מקריאת הענינים ההם?

אולם נראה אף אם יש סבות וסברות מצויינות לקיום מנהג כל שהוא, כל שאין בו קיום בגדרי מנהג, ולא מחוייבים בו (מדין אל תטוש תורת אמן), הוי מנהג שטות. נהפך ההנהגה ממנהג קדוש לטקס בלבד, שהיא קליפה מהנהגת מלכות אדום והנצרות שמלאה טקסים וחיצוניות שאין בהן ממש, וחלילה להתנהג בכוחותינו בדבר שאין בו ערך אמיתי ופנימי.

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advance provided that all are aware as to why he couldn't cut his hair before Yom Tov.<sup>238</sup>

269. Should you wish to take a haircut after Pesach during the period before Rosh Chodesh *Iyôr*, one may choose to follow the *aveilus* (special national mourning laws) of *Sefiroh* from Rosh Chodesh until close to Shavuot even if he or she normally kept the mourning period from Pesach until Lag Ba'Omer.<sup>239</sup>

270. Even during the *Sefiroh* period, there is another leniency that is relevant. The mourning period of *aveilus* is not more stringent than *aveilus* for a parent during the twelve months after death. One is allowed to take a haircut as soon as it is recognizably unkempt, and friends encourage the mourner to appear more presentable. Ramo rules that after three months since the last haircut one can assume that he has reached the threshold of seeming unkempt enough to warrant a haircut. Rav Moshe explains that in the time of the Ramo it was customary to go to the barber once every six weeks, so the threshold is after waiting twice the normal time between haircuts, one may take a haircut even during the mourning or *sefiroh*. Hence

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<sup>238</sup> עיין סימן תקל"א ס"ד ובמ"ב שם, ודומה נד"ד למי שבא ממדינת הים ובערב החג לא היה במקום ישוב, ולא היה אפשרות להסתפר לפני החג, רשאי לגלח זקנו (בדרך היתר) ולהסתפר אף בחוה"מ.

I applied this principle *last year* (in 5780) to yet another situation. For a few days preceding *Pesach 5780 in RSA* there was a sudden discontinuance of water to a certain neighborhood. The kehilloh members were all aware of this suspension and aided the affected people. (Such a thing could happen to water or electricity in the RSA.) The affected people were unable to wash their clothing in advance of the *chag* and asked whether they may wash their clothes during chol hamoed. Using the principle described here, I believe it is permitted for them to wash their clothes during chol hamoed. For sources and fuller analysis see here:

[https://drive.google.com/open?id=1Coq7sMd4wmS\\_gThLBEBKqfXP\\_fb5Hc7m](https://drive.google.com/open?id=1Coq7sMd4wmS_gThLBEBKqfXP_fb5Hc7m)

<sup>239</sup> עיין אג"מ או"ח ח"א סימן קנ"ט, שלצורך גדול אפשר לשנות משנה לשנה ולהתחיל לנהוג אבילות מר"ח אף שלא עשה כן מקודם, וכמדומה שנתקבל חידושו להלכה ולמעשה.

if twice the normal time has elapsed since your last haircut it is permissible to shave and take a haircut during *sefiroh*.<sup>240</sup>

### Music During *Sefiroh*

271. In South Africa, many people were home bound for a good part of the *sefiroh* period last year. Normally it is customary for people to refrain from listening to music or playing an instrument during this period of mourning. It is my conviction, that last year, this specific aspect of the mourning may be waived. Listening to music and playing an instrument, in my opinion, was allowed. However, this year, 5781, life is not as restricted and the those who have adopted the custom to refrain from music should avoid it.

271.1. Music is an important tool to avoid depression and anxiety. The psychological and emotional health of many is at risk during a lockdown. It can also be an important activity for many people that might otherwise get involved in activities that are inappropriate for *bonei Torah*. If music might reduce tension and irritation between adolescent siblings that is also a worthwhile trade-off.<sup>241</sup> For some

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<sup>240</sup> עיין רמ"א יו"ד סימן ש"צ ס"ד ואג"מ יו"ד ח"ג סימן קנ"ו.

<sup>241</sup>

### ריקודין ומחולות

בסימן תצ"ג מ"ב סק"ג כתב דנהגו איסור לעשות ריקודין ומחולות בין של מצוה וכ"ש של רשות, ומקורו במג"א, חק יעקב, א"ר, פמ"ג וש"א. אולם לא מצאנו בפוסקים מקור לאסור כלי נגינה ומוסיקה בימי ספירת העומר בדוקא. אולם נהגו העם איסור בדבר, והוזכר באג"מ או"ח ח"א ס"ס קסו, יו"ד ח"ב קלז, או"ח ח"ד כא: ד וש"מ.

### מוסיקה כרפואה להפגת מתחים ועצבים

אך נראה דמי שיש לו מרה שחורה, עצבות, עצבים, הרגשת בדידות ועלול להגיע לאיסורים חמורים טפי, המוסיקא אינו לתענוג אלא לרפואת הנפש והרגעת העצבים, ויש להתיר. עיין מאירי גיטין ז. דרך אסורו זמרה דרך שחוק וקלות ראש ודרך תענוג (היינו בזמן איסור זמרא מדינא, ונראה דה"ה וכ"ש כשזמרא מותר מדינא ונהגו להחמיר דאין גדר המנהג אלא לשם תענוג, שחוק או קלות ראש).

people, the conditions of lockdown and restriction are still prevalent and these principles may be used. It is advisable to ask a chochom whether you are applying the principle correctly.

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וכן שמעתי הרבה פעמים ממו"ר עמודו של העולם, הרב שלמה פיישר שליט"א שירוחם מן השמים להתחזק יותר ויתרפא רפואה שלימה, דחומרת המוסיקא בספירה ובבין המצרים אתי לידי קולא והיום האנשים צריכים המוסיקה לרפואת הנפש. ולענ"ד מצב העולם עקב החשש מהמגפה, והמתים והחולים והבדידות ומצוקת הפרנסה ואי היציבות בלימודים ועבודה גורמים למחלת הנפש קצת והמוסיקה היא כלי מצויין לטפל בזה. ויש להתירו לכל מי שרוצה לנגן או לשמוע אם חושב שירגיע אותו וימנע ממנו התעסקות בדברים חמורים יותר.

### כלי נגינה בסעודת מצוה

ואגב אציין עוד נושא שלענ"ד נכון מדינא בימי הספירה אף כשאנינו שעת מגפה. נחלקו האחרונים בדעת המג"א אם האיסור של ריקודין דוקא בסעודת **שידוכין** שאין בו כ"כ מצוה אבל בסעודת **אירוסין** דס"ל דהוי דבר מצוה מותר לרקוד (כ"ה דעת הא"ר ופמ"ג א"א סק"א) א"ד יש לאסור ריקודין באירוסין דגם בסעודת מצוה אסור (דעת הגר"ז). ויש להקל בזה דכך הוא הכרעת הרבה פוסקים. ונראה דבמקום שמותר בריקודין כ"ש דמותר בכלי נגינה שאין בזה איסור ברור. ויש להקל בריקודין בכל דבר מצוה, כגון הכנסת ס"ת (כן הוא הכרעת הגריש"א זצ"ל), וכן ברית מילה לאלו שנוהגים בתזמורת. וכ"כ בסעודת בר מצוה בו ביום כשהחתן בר מצוה דורש דאז הוי סעודת מצוה. וכשאנינו דורש הוי סעודת רשות, ומותר לקיים הסעודה בספירה אולם לא יהיה כלי זמר וריקודין כיון שאנינו סעודת מצוה.

אולם בר מצוה נחשב סעודת מצוה כשהנער דורש ומותר בריקודים ומחולות כדעת מג"א הנ"ל וכן כלי נגינה. וכן מחולות של מצוה כנהוג לאחר קידוש לבנה כמבואר בסימן תכ"ו ס"ב. סעודת סיום על מסכת וכדומה, הוי סעודת מצוה, ומותר בריקודים ומחולות, וכלי נגינה. ולכן כשיש סעודת בר-מצוה בו ביום והבחור דורש וגם מסיים ספר, נראה דכ"ש דשרי בריקודים וכלי נגינה מצד ב' הטעמים יחד.

מי שנשא אשה קודם ר"ח אייר מותר לעשות שבע ברכות כל ימי שבעה אף לאחר ר"ח אייר ומותר בכלי שיר וריקודין ומחולות (אג"מ או"ח ח"ב סימן צ"ה וא"ה ח"א סימן צ"ז).