

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמדם
"חוקי חיים"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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

Please do not
read during
davening or
Krias HaTorah

Selling Chometz with a Rav

Pekudei – Hachodesh 5785

215

Concept of Selling Chometz to a Non-Jew

1. It is customary throughout the world for each person to go to a rav who will arrange to sell his chometz to a non-Jew before Pesach. However, there are differences in halacha and minhag as to what can be included in the sale, among other details. In this issue, we will go through the relevant principles and halachos.

A Non-Jew's Chometz

2. If a non-Jew's chometz is on a Jew's property and the Jew is not responsible for it, he does not violate bal yeira'eh or bal yimatzei since it does not belong to him (מ"ב סי' ת"מ סק"א). However, since we eat chometz all year long, there is a concern that the Jew might eat it on Pesach (מ"ב סק"ג), so Chazal required one to put up a ten-tefach high partition in front of the chometz to prevent himself from accidentally eating it (ש"ע סי' ת"מ ס"ב).
3. **Selling chometz to a non-Jew.** One may sell chometz to a non-Jew [or to someone who underwent a Reform conversion, who is a non-Jew for all purposes... (see issue 257, para. 17)] if it is done as a proper transaction, even if the Jew will buy the chometz back after Pesach (ש"ע תמ"ח ס"ג). Some say the chometz may remain in the Jew's house behind a ten-tefach high partition (חק יעקב סי' תמ"ח); others are machmir and say that a ten-tefach partition is not enough for chometz sold to a non-Jew, and it must be removed from the Jew's house (הובא במ"ב שם סק"ב).
4. **Keeping chometz in a Jew's house.** When there is a lot of chometz in a Jew's house, the poskim say he does not need to remove it from his house. He may sell (מ"ב שם) or rent (מ"ב סק"ט) the area with his chometz to a non-Jew and close off the room, making it as if the chometz is outside his house. However, one does not fulfill the mitzva of תשביתו [destroying chometz] by doing this.
5. One may also put his chometz in a cabinet and close off the cabinet with tape or a cord and indicate with a sticker or the like that it is sold to a non-Jew.

Selling Chometz with a Rav

6. Based on the above, most Jews arrange with a rav to sell their chometz a few days before Pesach. They appoint the rav as a shliach or a po'eil (below, 16) by granting him power of attorney to sell their chometz to a non-Jew. Then, on Erev Pesach, the rav himself makes the actual sale with the non-Jew on behalf of everyone who appointed him as a shliach and signed the harsha'ah [power of attorney document].

Knowing the Location of the Chometz

7. One must make sure his chometz is located in a clear spot in his house. Thus, in any room or cabinet that has chometz or possible chometz, one should mark that the area is sold to a non-Jew so that if the non-Jew were to come on Pesach to take his chometz, he would find it easily and not need to do a bedikas chometz...
8. Similarly, if one sells chometz that is in his car, he should indicate the license plate number and description of the car in the harsha'ah so that the non-Jew can find it easily.
9. If one includes a storage room in his sale, he should indicate exactly which door goes to his storage room. It is not enough to write "the chometz in the storage room on the storage level." If it is hard to describe which door is his, he should put a note with a number on the door and write in the harsha'ah that he is selling the storage room with the number that is on the door.

10. If one has chometz or a chometz order on a ship's cargo, he should write the order or delivery number so that the non-Jew has a way to track it. Similarly, if one owns chometz that is being held in storage by a company that sells goods online, e.g., Amazon, he must write the identifying details and numbers and ensure that he does not continue selling the chometz during Pesach online.

Giving a Key or Telling Where It Is Located

11. **Giving a key.** In a chometz sale arrangement, the non-Jew must have access to the area that is rented to him and to the chometz that was sold to him for the entire Pesach. Thus, one should lechatchila give him a key to the room where the chometz is in (מ"ב תמ"ח סק"ב).
12. **Permission to enter.** If one will be home for Pesach and he is not interested in giving the non-Jew a key to his house, it suffices to write in the document of sale and the harsha'ah that the non-Jew has permission to come take his chometz from the house at any time (מ"ב שם).
13. **Knowing where the key is.** If one will not be home for Pesach or for part of Pesach, he should leave a key with a neighbor and write in the signed harsha'ah he drafted with a rav where the key is. If there is also a combination lock, he must write the code or at least the phone number of someone who can tell him the location of the key or the code to the lock.
14. If one cannot leave a key with a neighbor, he can leave a key with the rav who is selling his chometz and write in the harsha'ah that the key can be found with Rav Ploni at such-and-such place. [He should remember to retrieve the key after Pesach so it does not join the keys that have piled up from past years...]

Paying the Rav

15. **Real sale.** The minhag is to pay the rav for the efforts involved in selling chometz to a non-Jew. This lends extra legitimacy to the sale, showing that it is a true sale, not a mere ruse or ceremony, as he is paying for the transaction, in the same way one pays a lawyer's fee when drafting a contract. This is also an opportunity to show appreciation to the rav for what he does all year...
16. **Status of a po'eil.** Some write that there is another advantage to paying the rav. If the rav is just a shliach, we can only assume he carried out his shlichus due to a chazaka, but for deoraisa issues, we do not rely on chazaka. Paying the rav makes him into a po'eil [hired worker], in which case we assume he did his job even without the mechanism of chazaka (תשובות והנהגות ח"ב סי' ר"ח).

What Is Included in the Sale?

17. There are different minhagim. Some even sell actual chometz [תמך, גמור], treating the sale as a valid transaction (below 19); some only sell schnapps, e.g., whiskey and the like (see issue 88, paragraph 30 for the reason); and some only include products with a potential concern for chometz (28), as opposed to actual chometz, out of concern that the sale is not effective and as a chumra for the issurim of bal yeira'eh and bal yimatzei (see ibid., 25). Some get rid of all their chometz, including products with a mere concern for chometz or small amount of chometz mixed in, and still arrange a chometz sale with a rav to be extra cautious and to distance themselves from the issur – and even the chance of the issur – of chometz. Each person should follow the minhag of his family or the guidance of his rebbeim.

18. In the harsha'ah signed before a rav, as well as in the document of sale to the non-Jew, it says that the sale includes all types of chometz, potential chometz, chometz mixtures, and any chometz in any place. Thus, lechatchila one should list and describe the chometz (below, 20), but even if he forgot to detail which chometz is in the sale or where the chometz is, it is still included in the sale. Also, if one has a food that he doesn't know contains chometz, e.g., pareve hot dogs, which usually contain chometz flour, it is included in the sale and can be eaten after Pesach (מור"ר בשו"ת שבט הקהתי ח"ב סי קס"ח).

Actual Chometz [המכר גמור]

19. Some rely fully on the sale for everything, including actual chometz, e.g., pastries, cookies, bread, pasta, couscous, crackers, bulgur, beer and whiskey, wafers, oatmeal, chocolate with wafer inside, "kabukim" [coated peanuts], Bissli, ice cream cones, granola, porridge, puffed grain, malt, grain-based breakfast cereals, etc.
20. **Detailing chometz and its value.** When selling actual chometz, one should note in the harsha'ah more or less which products are being sold to add legitimacy to the sale. Some also estimate the value of the products being sold; this shows that it is a truly authentic transaction.
21. **Special challah.** If someone has a special challah set aside, e.g., one of the twelve Shabbos challos a Rebbe made a bracha on or "parnassa broit" from a Rebbe, he should make sure to eat it before Pesach or burn it on Erev Pesach. The poskim discuss whether it can be sold to a non-Jew, considering that the owner wants it to remain intact (שו"ת ערוגת הבושם סי ק"ב). Some say if it was sold, bedieved it is permissible after Pesach (שו"ת אבני זכרון ח"ג סי כ"ה); others allow selling it lechatchila – but it could be that if one does so, it is only considered "shirayim" from a goy...

Different Grains

22. **Wheat.** Wheat kernels which never came in contact with water – and they usually have not – are not chometz. [Wheat with an Eida Chareidis hechsher is not rinsed with water (מדריך הכשרות).]
23. **Barley, pearl barley.** It is common for barley to be rinsed in water. [Barley with an Eida Chareidis hechsher is not rinsed in water and is not chometz (מדריך הכשרות).]
24. **Oats and oatmeal** come in contact with water and are actual chometz.
25. **Rye** generally has come in contact with water.
26. **Regular flour.** Before wheat kernels are ground into flour, they are usually sprinkled with some water to make them easier to grind, but they do not usually split in such a small amount of water and such a short time. Thus, strictly speaking this flour is not actual chometz. However, out of concern that the kernels did split, it is advisable to treat flour as possible chometz and include it in a chometz sale to a non-Jew. Even those who are machmir not to sell actual chometz can be meikel to sell regular flour (הגר"ש והאונר, מכירת חמץ כהלכתו פ"ד). Still, if one only has a small, insignificant amount of flour, it is advisable to dispose of before Pesach.
27. **Dry flour.** It is possible to purchase "dry flour" that did not come in contact with water before it was ground. If one has this before Pesach, he can lechatchila include it in a chometz sale even if he is machmir not to sell actual chometz. It is worthwhile to note that Eida Chareidis products after Pesach that say "ground after Pesach" are often made after Pesach with dry flour that was ground before Pesach since it has no concern of chometz (מכתב של וועד הכשרות דה"ש, Chukai Chaim 88, paragraph 48).

Concern of Chometz

28. Many products are not chometz-based but still have a concern of chometz, sometimes because they contain one ingredient that might be chometz or an ingredient that is sometimes derived from chometz. The consensus of many poskim is that these products that only have a potential concern of chometz may be closed off in a spot that is marked "Sold to a goy," and included in the chometz sale, even for those who are usually particular not to sell actual chometz.
29. **Ingredients with a possible concern of chometz.** Here is a list of several common ingredients that might be chometz: starch, dextrose, aspartame, ascorbic acid, glucose, vitamin C, amino acids, sorbitol, and maltodextrin. Sometimes alcohol is also produced from grain.

Mechiras Chometz

One could arrange Mechiras Chometz in "Cheder Horahah" Minchas Yitzchok 20, during opening times which will be done with the Eida HaChreidis

Kitniyos

30. Kitniyos is not chometz and may be kept over Pesach; Sephardim have the minhag to even eat kitniyos on Pesach. Thus, kitniyos does not need to be sold to a non-Jew. However, some are machmir to mention kitniyos in the document since one of the reasons Ashkenazim are machmir for kitniyos is that perhaps some pieces of chometz got mixed in (see Issue 129, paragraph 7) (שו"ת דברי מלכיאל ח"ד) (סי כ"ב אות ה'). Nevertheless, there is no need to mention kitniyos explicitly since if there is indeed chometz among the kitniyos, it is already included in the general wording of the sale which includes any concern of chometz or possible chometz.
31. **Mustard.** Mustard is a type of kitniyos, but sometimes it contains grain flour too, so it should be included in the sale.
32. **Quinoa.** Quinoa is considered kitniyos, so Ashkenazim should not eat it on Pesach (see Issue 129, paragraph 29), but there is no concern of chometz.

Chometz Sale when Erev Pesach Falls on Shabbos

When the Sale Is Performed

33. This year [5785, 2025] Erev Pesach falls on Shabbos. The poskim argue when the sale is performed and when the transfer of ownership takes effect this year.
34. Some say that just like every other year, one must sell his chometz to a non-Jew before the deadline to destroy it, i.e., on Friday at the end of the 5th hour, so that people don't make a mistake in later years (זכור לאברהם ח"ג אות פ' ס"ק ק"ב, שו"ת מהר"ם שיק או"ח סי ר"ה, שואל (ומשיב ח"ו סי נ"ה), ייטב פנים מודעים אזהרות לפסח דיני ע"פ שחל בשבת).
35. Others say one can sell his chometz all day until the start of Shabbos. This is preferable because of the stores: if stores sell their chometz to a non-Jew, they certainly may not sell it to customers after the chometz sale takes effect. Doing so would nullify the sale, as it shows that the sale was just a mockery and a ruse. To enable stores to sell chometz after the 5th hour, it is better to make the sale with the non-Jew close to Shabbos (הג מהרש"ם בדעת תורה סי תמיד סק"ב, מהר"ם שיק או"ח סי כ"ה). This also allows one to include in the sale items that he buys after the 5th hour, avoiding issues of selling chometz he did not yet own.

When the Sale Takes Effect

36. Some poskim say one may perform the kinyan of the sale before Shabbos and have the sale actually take effect on Shabbos; it is not an issur of business on Shabbos since the problem with that is that one may end up writing, and here that is not a concern since he did the writing Erev Shabbos (שו"ת ומהשיב ח"ו סי נ"ג, תורת חסד מלובלין ח"א סי י"ג ו"ד, שו"ת מהרש"ג ח"ב סי ק"ז).
37. However, others hold that this is a problem of business on Shabbos and it should not be done (שו"ת רע"א סי קנ"ט).
38. **The proper minhag.** In light of the above, the proper thing to do is to perform the kinyan at the same time as every year to prevent mistakes in other years (above, 34) and stipulate that the sale will not take effect until a short time before Shabbos starts (שו"ת הר צבי או"ח). This ensures that the stores will not suffer a loss or make the chometz sale into a ruse. It also satisfies the opinion (above, 37) that one may not stipulate that the sale take effect on Shabbos due to the issur of business.
39. **Hold on to the object until the kinyan takes effect.** When the kinyan is performed in the 5th hour but only takes effect close to Shabbos, if the rav is also doing a kinyan sudar with the non-Jew, he must make sure to hold on to the non-Jew's item until the kinyan takes effect to avoid the issue of "הדר סודר למריה" (הגרש"א).

Forgot to Sell Erev Shabbos

40. Some say that if one forgot to sell his chometz Erev Shabbos, he can sell it on Shabbos itself before the deadline to destroy the chometz. It is not an issue of business on Shabbos since he is only selling to save himself from the issur of chometz (מ"ב שם) (סק"כ). He should sell his chometz for money, not with a shtar, and he should not take the money in his hand (כ"ד).
41. However, others hold that he may not sell the chometz; he must give it as a gift to a non-Jew (פמ"ג סי תמיד משב"ז סק"ה) or make his chometz hefker and tell the non-Jew to acquire it (דיני תכלת מרדכי, דיני ע"פ שחל בשבת אות ב').

Does One Need to Keep Two Meals' Worth of Food?

42. Some say to write in the document of sale that the chometz needed for the Shabbos seudos is not included in the sale (הגר"ש"א הגש"פ) so the owner can enjoy that chometz and also fulfill the mitzva of תשובתו with the leftovers (next week's issue iy"ח) – if the chometz belongs to the non-Jew, the Jew does not fulfill תשובתו (ק"ט). Nevertheless, it is reasonable that there is a clear assumption the Jew is not selling the chometz he needs for his Shabbos seudos, so he doesn't need to write that explicitly (שו"ת שבט הלוי ח"ט קט"ו, שם).