

## Chodosh in Chutz La'aretz - Part One

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Around this time of year, one might notice others in the local supermarkets, even in kosher ones, checking labels on products and looking at the packing dates printed on the packaging, even on products that are known to be reliable from a kashrus standpoint. No, they aren't worried that the product has expired (although I personally have shopped in supermarkets where the owners feel that selling expired goods is considered fair and proper market practice). Rather they are checking as to its chodosh or yoshon (literally new or old) status.

Contrary to popular belief, these terms do not mean ascertaining how old and possibly rotten a product is, but rather are referring to which crop the grain used in the product comes from (e.g. winter wheat or spring wheat). Before we ask why one should care how old his grain is, some explanation is in order.

The Torah states[1] “V'lechem, V'kali, V'karmel (Bread, sweet flour made from toasted kernels, or the toasted kernels themselves) may not be eaten until that very day – until you bring the offering to your G-d. This is a law that you must always observe throughout your generations in all your dwelling places.” “That very day” refers to the second day of Pesach, the day that the korban omer, the “offering” mentioned in the pasuk, is brought. (This is the same day that we begin counting the omer, a practice we continue until Shavuot.) The Torah is teaching that available grain that grew after the second day of Pesach the previous year is prohibited to be eaten until the second day of Pesach of the current year, when it becomes permitted. This law applies to the same varieties of grain that can become chometz: wheat, barley, oats, spelt, and rye[2].

### “New” Grain versus “Old” Grain

Once Pesach passes, all grain that took root prior is now called yoshon, old, even though it may have been planted only a few days before. On the other hand, grain that took root after the second day of Pesach is categorized as “new” grain that may not be eaten until the second day of the next Pesach. The promotion from chodosh to yoshon transpires automatically on the second day of Pesach – all the existing chodosh becomes yoshon grain on that day, even that which is still growing. The only requirement is that by then the grain has taken root. Thus, designating the grain as “old” does not mean that it is either wizened or rancid. Grain planted in the late winter or early spring often becomes permitted well before it even completed growing[3].

## Which Crop is Which?

There are two types of crops: winter crops and spring crops. In the Northern Hemisphere (e.g. America) winter crops are planted in the fall, remain in the ground throughout the winter (including Pesach) and are harvested in early summer. Therefore, by the time this crop is harvested, all of it is already yoshon. Spring crops, however, are usually planted after Pesach and are harvested at the end of the summer. Consequently, from the time of their harvest until the following Pesach, they are considered chodosh[4]. It generally takes a few months until the most recent grain “hits the stores”. That is why winter time is when the “chodosh season” starts in earnest, as the spring crop starts being used commercially. As mentioned above, this lasts until Pesach, when all existing grain becomes yoshon. And then the yearly cycle starts anew. This is what checking the packing code is for, as through it one can ascertain which crop the product came from, and accordingly, its chodosh/yoshon status.

Although there is a general rule that agricultural mitzvos, mitzvos hateluyos ba'aretz, apply only in Eretz Yisrael, the fact that the Torah concluded the mitzvah with “in all your dwelling places” teaches that this prohibition of chodosh applies to all your dwelling places – even those outside Eretz Yisrael as well! Although there is some debate to this among the Tannaim[5], the conclusion of the Mishna[6] is “HaChodosh assur Min HaTorah b'chol Makom”[7], chodosh grain is prohibited to be eaten in all places, meaning even in Chutz La'aretz. The Gemara follows this as well, as we see that chodosh was practiced in Bavel, even though it is outside Eretz Yisrael[8]. This is also how the vast majority of halachic decisors throughout our chain of mesorah rule, including the Rif[9], Rosh[10], Rambam[11], Tur and Shulchan Aruch[12].

If so, a question remains. If all these great luminaries ruled that there is a Biblical prohibition against eating chodosh products in Chutz La'aretz, why is chodosh observance not more widespread or even known about? In fact, it seems that the traditional approach was to permit the use of new grain. What is the basis to be lenient when most authorities rule that chodosh is prohibited even outside Eretz Yisrael?

There are several different approaches and leniencies that many authorities through the ages used in order to answer this longstanding question, and especially in light of the difficulties that many had in procuring yoshon flour. B'ezras Hashem these issues will be explored further in the next article.

The author wishes to thank renowned posek and author Rabbi Yirmiyohu Kaganoff, as his relevant article was the impetus for my interest and research on this topic.

[1]Vayikra (Emor) 23:14.

[2]See Mishna in Menachos 70a and accompanying Gemara 70b; Maseches Challah (beg.), Rambam (Hilchos Maachalos Assuros Ch. 10, 1), Shulchan Aruch (Y"D 293, 1). These grains are also those that the prohibition of Pas Akum apply to. See earlier article: "The Parameters of Pas Paltur".

[3]This elucidating explanation is excerpted from Rabbi Yirmiyohu Kaganoff's enlightening relevant article "Chodosh in Chul". [www.rabbikaganoff.com](http://www.rabbikaganoff.com).

[4]As explained in Rabbi Yoseph Herman's essential authoritative annual "Guide to Chodosh", sec. 1.1.

[5]See Kiddushin 37a - 39a. This prevailing opinion is the shitta of Rabbi Eliezer. However, Rabbi Yishmael (the Chachamim that argue on Rabbi Eliezer) contends that chodosh indeed follows the general rule of agricultural mitzvos and applies only in Eretz Yisrael.

[6]Arlah 3, 9.

[7]On a historical side note, the Chasam Sofer famously used this line to combat Reform's inroads against authentic Judaism. For example, see Shu"t Chasam Sofer (O.C. 28 and 148).

[8]Menachos68b.

[9]Kiddushin 15a (in his folios).

[10]Shu"t HaRosh (Klal 2, 1); commentary to Kiddushin 37a.

[11]Hilchos Maachalos Assuros Ch.10, 2.

[12]Yorah De'ah 293, 2.

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: [yspitz@ohr.edu](mailto:yspitz@ohr.edu)

Disclaimer: These are just a few basic guidelines and overview of the Halacha discussed in this article. This is by no means a complete comprehensive authoritative guide, but rather a brief summary to raise awareness of the issue. One should not compare similar cases in order to rules in any real case, but should refer his questions to a competent Halachic authority.

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