

# ליקוטי ופסקי הלכות "חוקי חיים"

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"תקצי חיים"  
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**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 (שו"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 [חמץ], 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"ב שו"ת שבט הקהתי ח"ב סי' קס"ח).

#### Actual Chometz [חמץ 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 *Rebbi*, 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 (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 מכתב של וועיד 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 מלכאל 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 5<sup>th</sup> hour, so that people don't make a mistake in other years (זכור לאברהם ח"ג אות פ' ס"ק ק"ב, שו"ת מהר"ם שיק אור"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 5<sup>th</sup> hour, it is better to make the sale with the non-Jew close to *Shabbos* (הג' מהרש"ם בדעת תורה סי' תמ"ד סק"ב, מהר"ם שיק אור"ח סי' כ"ה). This also allows one to include in the sale items that he buys after the 5<sup>th</sup> 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 וי"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 אור"ח (סי' קכ"ו בשם הגר"ח זוננפלד). 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 5<sup>th</sup> 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) (נדרים דף מ"ח ע"ב, 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 *issur* of business on *Shabbos* since he is only selling to save himself from the *issur* of *chometz* (מ"ב שם). He should sell his *chometz* for money, not with a *shtar*, and he should not take the money in his hand (מכירת חמץ כהלכתו פ"ג הע' 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' תמ"ד משב"ז סק"ה) or make his *chometz* *hefker* and tell the non-Jew to acquire it (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 (הגרש"א הגש"פ) so the owner can enjoy that *chometz* and also fulfill the *mitzva* of *תשבינו* with the leftovers (next week's issue iy"ח) – if the *chometz* belongs to the non-Jew, the Jew does not fulfill *תשבינו* (תשובה"נ ח"ה). 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).