The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תמ"ב סעיף ט'

Overview

Siman 442 Seif 9:

One may retain possession of *chometz* that spoiled before the time that *chometz* became prohibited and is no longer fit for consumption by a dog or if it burned before the time that *chometz* becomes prohibited **and is charred to the point that it is unfit for a dog or if it was designated for sitting and coated with clay.**

- If before Pesach it was merely inedible for a person and then on Pesach became unfit for consumption by a dog it must nevertheless be destroyed. (M.B. 39)
- Covering *chometz* with clay renders it inedible and thus one may retain possession of it even if it was edible before it was covered with clay. (M.B. 42)
- One may also derive benefit from *chometz* that was rendered unfit for consumption by a dog but it is prohibited for consumption. (M.B. 43)
- If *chometz* unfit for consumption by a dog fell into food it is permitted to eat the mixture since it is not considered a food that could prohibit the mixture. (M.B. 43)

Stories to Share

Abandoned Property

מ"ב סי' תמ"ב, ס"ק מ': "לאפוקי לאחר זמנו לא נקפא איסורו עד שישרף לגמרי"

A certain man had a large quantity of rare whiskey. Shortly before Pesach he fell ill and he forgot about selling his chometz. He didn't remember about the whiskey—the only chometz in his possession—until several hours after he had burned his chometz.

The moment he realized he ran home and removed the many bottles of whiskey to a place outside his house, intending to remove them all and then make a bonfire, to hopefully rectify his error as much as possible. As he was removing the last vestiges of chometz, he saw that a few non-Jewish neighbors had already removed the bottles that had been on the street. When he tried to explain that he had a halachic obligation to burn the chometz, they non-Jews refused to relate to this. They claimed, "You've already put it out for the trash, so it doesn't belong to you anymore!" He had no choice but to go home empty handed.

After Pesach, a certain Jew wished to buy this whiskey from the non-Jews but wondered if it was permitted halachically. After all, they had been a Jew's property until after the time when chometz is אסור מדאורייתא and, as we find on today's amud, even if the whiskey had spoiled or become inedible it could not be used. Why would this whiskey be any different?

But when this question reached the Noda B'Yehudah, he ruled that a Jew could buy and even drink this chometz. "The gemara equates chometz to a pit dug in the public domain. Neither are possessions, but the Torah makes it as if they were to obligate the digger or the one who owned the chometz before it became איסורי הנאה. Just like if a non-Jew won't allow the one who dug the pit to fill it in he becomes responsible for it, the same is true regarding chometz that a non-Jew took into his possession."

נודע ביהודה, תנינא, או"ח סי' ס"ג, וכ"כ הרשז"א בחידשיו למס' פסחים בדף ו'

Halacha Highlight

The use of *chometzdik* citric acid on Pesach

Biur Halacha Siman 442 Seif 9 d.h. *chometz*

כשנפסל מחמת חמוצו וכו' דמשום זה לא נחשב כעפר

When it becomes inedible due to fermenting … this does not cause it to become like dirt

Shulchan Aruch rules that one may retain possession and even derive benefit from *chometz* that became spoiled before the time of the prohibition of *chometz* and is no longer fit for a dog to eat. Biur Halacha (ד"ה חמץ שנתעפש) explains that the leniency to retain possession of *chometz* that is no longer fit for a dog to eat is limited to where it spoiled and thus a dog would not eat it. If, however, a dog would not eat the *chometz* because the *chometz* fermented so much, it is not considered the same as dirt. Such a case is similar to spilling a sharp tasting substance onto chometz. The fact that a dog wouldn't eat it is due to the sharpness of the food but it has not lost its status as a food due to the presence of the sharp ingredient.

Poskim (שו"ת מנח"י ח"ז סי' כ"ז שו"ת שבה"ל ח"ד סי' מ"ז) apply this concept to citric acid, glucose and other sweeteners. These are frequently manufactured from the starch of wheat kernels. Even though, for example, citric acid is not edible by itself, since the reason it is inedible by itself is due to the fact that it is so concentrated, it does not lose its status of being a food and as such not only is it prohibited to eat something that has citric acid manufactured from wheat but it is prohibited from benefit as well. As an alternative, factories will make citric acid from the starch of potatoes rather than wheat. The issue that remains is the utensils that were used for wheat starch are *chometzdik* and many times due to their shape and size it is very difficult if not impossible to kasher. Shevet HaLevi (שו"ת שבט הלוי הנ"ל) allows the use of such equipment under the following conditions. The equipment must not be used for 24 hours and then it should be kashered as best that it can. After that one should not use the citric acid manufactured from the potato starch from the first three runs of the equipment. It is only from the fourth run and onwards that one may use the citric acid for Pesach.