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

Overview

Siman 445 Seif 2:

If one gave his *chometz* to a gentile before the 6th hour it is unnecessary to destroy it. If the *chometz* is burned before the 6th hour it is permitted to benefit from those coals during Pesach. If the *chometz* was burned after the 6th hour since it was already prohibited from benefit one may not use that burnt *chometz* as fuel for his oven or stove and if he did cook or bake with these coals that food or bread is prohibited. Similarly, the coals are prohibited from benefit since the *chometz* was burned after the time of the prohibition.

- There is a disagreement whether one could give a large quantity of *chometz* to one's gentile worker that he is obligated to feed. Mishnah Berurah seems to follow the lenient position but adds in the name of Rav Shlomo Kluger that the gentile should not eat the *chometz* in the Jew's home. (M.B. 9)
- It is preferable that one not give away his *chometz* to a gentile leaving himself with only crumbs to burn since they are considered destroyed; rather one should retain a *k'zayis* in order to properly fulfill the obligation to destroy *chometz*. (M.B. 10)
- Even if one swept out the prohibited coals and baked with the remaining heat the food is prohibited. (M.B. 12)
- If the prohibited loaf became intermingled with other loaves they are all prohibited. Later authorities, however, allow one to sell the intermingled loaves to a gentile deducting the value of the prohibited loaf and one should ground up the loaves so that they will not be resold to a Jew. (M.B. 13)
- One may not even use these coals to generate heat or the ashes to launder a garment but it may be used to cover blood after slaughtering. (M.B. 14)

Siman 445 Seif 3:

Before the time of the prohibition one may throw *chometz* to a place where ravens are found. If one finds some of the *chometz* after the time of the prohibition because the ravens did not eat it, it must be destroyed even though it was left on ownerless property. If one did not find *chometz* during the search one should burn the utensil that was used for the search so that one should not forget about the obligation to destroy *chometz*.

- In Siman 433:6 many authorities were referenced that one may only put out *chometz* for ravens into an area that is ownerless. (M.B. 17)
- Later authorities disagree and maintain that if one declared the *chometz* ownerless and threw it to an ownerless place before the time of the prohibition there is no obligation to destroy whatever *chometz* remains. (M.B. 18)
- One must sincerely declare the *chometz* ownerless and available for anyone to take because if one intends to take it back after Pesach it is not fully ownerless until someone else takes it. (M.B. 18)

Halacha Highlight

Throwing away remaining *chometz*

Mishnah Berurah Siman 445 Seif Koton 18

דאם הפקירו וזרקו למקום הפקר קדם זמן האסור שוב אין עליו חובת בעור

If one declared the *chometz* ownerless and threw it onto ownerless property before *chometz* became prohibited one is not obligated to destroy it

Shulchan Aruch (סע' ג') writes that that if one threw *chometz* onto an ownerless piece of land (ע' מ"ב ס"ק י"ז) where ravens frequent and after the time that *chometz* became prohibited he sees that the ravens did not completely consume the *chometz,* he is obligated to destroy it. Mishnah Berurah (ס"ק י"ח) notes that later authorities disagree and maintain that once the *chometz* was declared ownerless and thrown onto ownerless property before the time that *chometz* becomes prohibited, one is not obligated to destroy it if the ravens do not eat it. It is clear from Mishnah Berurah that if the *chometz* was not removed from one's property he would, in fact, be required to destroy the *chometz* that was not consumed by the birds.

Teshuvas Minchas Yitzchok (ח"ד סי' נ"ו) warns those people that have a large quantity of *chometz* that requires disposal that simply throwing it to the garbage can in the yard is not sufficient. Even if the food becomes dirty and one would not eat it, since it is not inedible for a dog the obligation to destroy it remains. Furthermore, it does not help to put the garbage can onto public property since the garbage can remains the property of the owner (unless he declares it ownerless (ע' מ"ב סס"ק י"ח משי"כ ע"ז). One way to avoid an issue is to pour bleach into the garbage can so that all the *chometz* that is thrown in becomes immediately unfit for consumption by a dog. Another way to avoid this issue is to move the garbage can to public property and declare in the presence of three people that it is now ownerless. Alternatively, one could leave the garbage can in its place and declare the garbage can as well as the spot upon which it rests ownerless. Minchas Yitzchok also notes that if the garbage can is owned by the city this is not an issue since *chometz* thrown into the garbage can in such a circumstance effectively removes it from one's property.

Stories to Share

Private Property in the Public Domain

ש"ע סי' תמ"ה, ג': "אע"פ שהמקום הפקר לא יניחנו שם אלא יבערנו .."

Before Pesach some people have loads of chometz to throw out, a lot of which is definitely forbidden to keep in one's domain during Pesach. The most natural place to put this chometz is in the trash can, where it will sit until the next day of garbage collection.

A certain man had placed huge quantities of chometz in his trash can and then realized that he may have a halachic problem. It was close to Pesach and the garbage would not be collected until the day after Yom Tov. Perhaps he was required to place the chometz elsewhere. Although he doubted this, since who would take chometz out of a trash can, he nevertheless decided to ask just in case.

When this question reached Rav Moshe Feinstein he ruled that it was indeed forbidden for him to leave the chometz in garbage bin. "If a trash can is privately owned it is forbidden to leave chometz there during the chag. Although your average person from the city of New York would not remove food from the garbage can, this doesn't help here for a different reason. In Orach Chaim 445:3 we find that if one placed chometz for the birds in a place where it was hefker for all to take, he must destroy it before the time when it is prohibited to keep chometz in his domain. The Taz and Magen Avraham both explain that this refers to leaving the chometz in a spot on his own property where anyone could come and take it. This is why he may not leave it there during the time when chometz may not be held in one's domain.

Rav Moshe concluded, "He must destroy it, and the same is true regarding chometz left in a privately owned garbage can even when it sits on the street!"

אגרות משה, או"ח, ח"ג, סי' נ"ז