The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, March 19, 2022 ■ ט"ז אדר ב', תשפ"ב
סימן תמ"ז סעיף ב'

Overview

Siman 447 Seif 2:

Chometz that became intermingled from six hours into the day until nighttime does not prohibit the mixture with the minutest amount, rather it is treated the same as other prohibited foods. (Something that imparts a foul taste (נותן טעם לפגם) is also permitted during this time.)

- If one intentionally intermingled chometz and the mixture remained after Pesach there is an opinion that maintains that it is prohibited for benefit unless one sells it to a gentile minus the value of the chometz. (M.B. 14)
- Since there is no punishment of kares during this time Chazal were not stringent to prohibit a mixture with the minutest amount of chometz. The same is true regarding נותן טעם לפגם. (M.B. 15)
- Regarding chometz nuksheh, there are authorities who maintain that it prohibits a mixture on Pesach even with the minutest amount but other authorities are lenient in a pressing circumstance. (M.B. 15)
- The mixture must be eaten before Pesach since once Pesach begins the chometz is reawakened and the food becomes prohibited. (M.B. 16)

Stories to Share

The Buyer's Vessels

ש"ע תמ"ז, ב': "חמץ שנתערב משש שעות ולמעלה עד הלילה אינו אסור בשמהו"

On today's amud we find that while chometz is prohibited from the sixth hour on erev Pesach, a minuscule amount is prohibited only from the night.

In Vienna, on a year when Peaach came out on Motzei Shabbos, someone realized that there was a serious problem. On Shabbos, before the halachic zeman tefilah, they were required to either give away or destroy whatever chometz was in their possession. Many people would eat outdoors or in an enclosed area and throw the food out in the garbage cans on their property. The question was whether this was really permitted. The question was asked to Rav of Vienna, a talmid muvhak of the Tchebiner Rav, Rav Betzalel Stern, zt"l.

He replied, "It depends on many factors. In our city, the garbage cans are owned by the municipality but are placed in one's property. These are like vessels of the buyer on the seller's premises. We hold that when two people wish to make a transaction, if the buyer places his payment into the seller's property with permission, in constitutes a kinyan. Presumably, whatever is in these receptacles remains the property of the owner of the premises. Therefore, he must at least declare the place where the receptacle rests hefker."

שו"ת בצל החכמה, חלק ג', סימן ק"ט

When the Minchas Yitzchak, zt"l, was asked regarding municipal receptacles on city property he ruled that one may place the chometz in such receptacles before the zeman biur chometz.

שו"ת מנחת יצחק, חלק ד', סימן נ"ו, שאלה א'

Halacha Highlight

Chometz after the 6th hour on erev Pesach

Shulchan Aruch Siman 447 Seif 2

אלא דינו כשאר אסורין

Rather its halacha is similar to other prohibited foods

Shulchan Aruch explains that the stringency mentioned in seif 1 that chometz prohibits a mixture when even the minutest amount of chometz is present, is limited to Pesach itself. If, however, chometz becomes intermingled with other food before Pesach, even from chatzos when chometz is Biblically prohibited, the chometz is nullified following the standard halachos regarding foods that contain a prohibited ingredient. The reason for this difference is that although Biblically chometz is prohibited during this period, since the punishment is lashes rather than kares it is treated like a standard prohibited food that is nullified in shishim (מ"ב ס"ק ט"ו). Mishnah Berurah then adds that this is the same rationale for Rema's ruling with regards to the principle of נותן טעם לפגם—a prohibited food that gives a mixture a bad taste. Even though there is an opinion that maintains that one should be stringent with regards to נותן טעם לפגם on Pesach (לקמן סע' י') and the mixture is prohibited, that stringency is limited to Pesach itself but before Pesach, even during the hours from after chatzos that stringency does not apply.

Biur Halacha (ד"ה חמץ שנתערב) notes that since Shulchan Aruch did not qualify his ruling, it would seem that it applies for all mixtures, whether liquid mixtures (לח בלח) or whether dry mixtures (יבש ביבש). This indicates that we do not treat chometz as a דבר שיש לו מתירין—a prohibited food that will become permitted. If chometz were to be treated as דבר שיש לו מתירין, the standard guidelines of nullification would not apply. The significance of this is that the matter is subject to debate as recorded by Rema in Yoreh Deah (סי' ק"ב סע' ד'). The first opinion rules that although the chometz will become permitted after Pesach, since the following year it will become prohibited again it is not a דבר שיש לו מתירין. The second opinion maintains that since it will become permitted after Pesach it is a דבר שיש לו מתירין.